**HOW INTEGRATION CAME TO AMERICA**
**RANDALL KENNEDY**

**THE OCCUPATION'S LAST DAYS**
**LAWRENCE F. KAPLAN**

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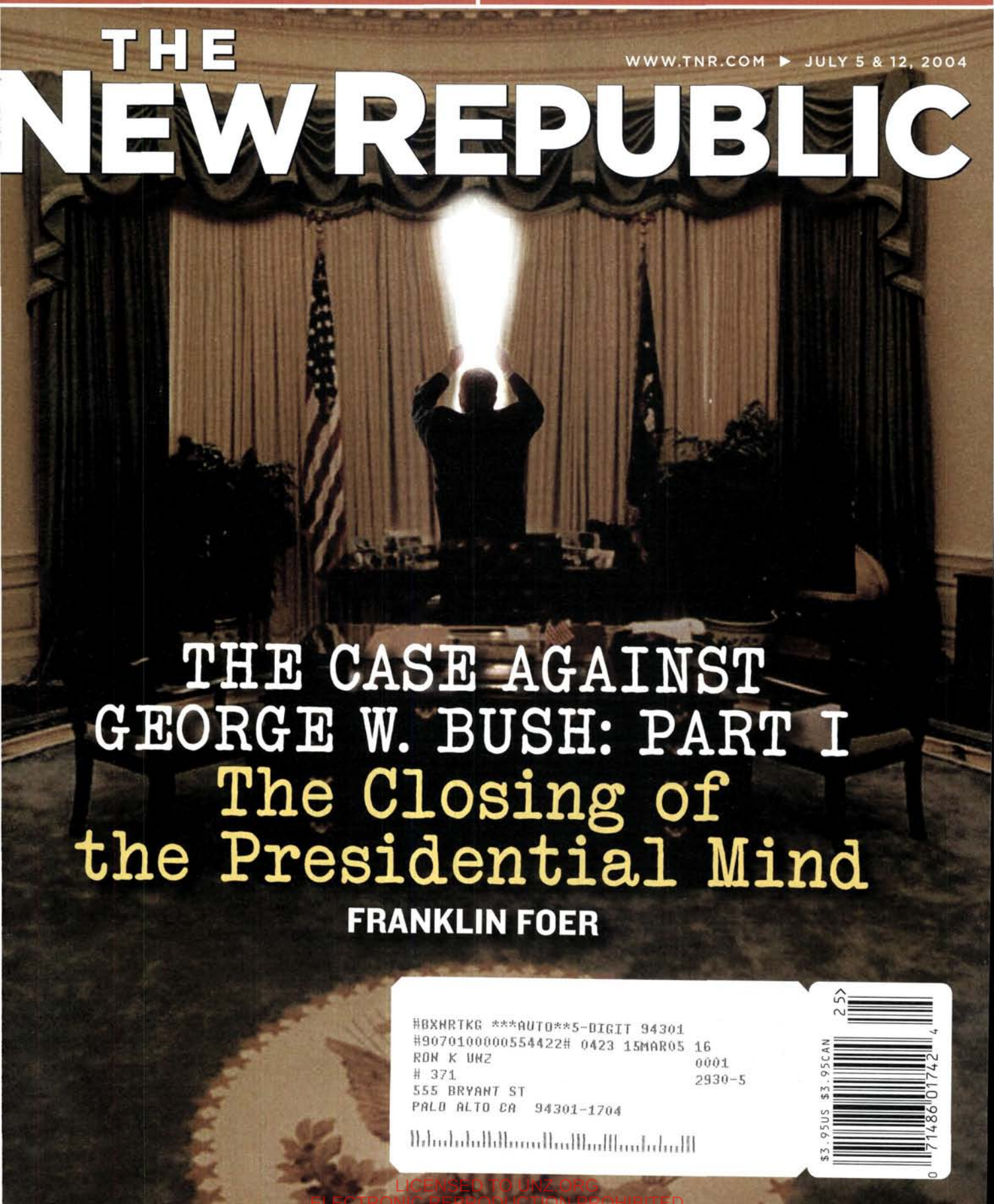

## THE CASE AGAINST GEORGE W. BUSH: PART I

## The Closing of the Presidential Mind

**FRANKLIN FOER**

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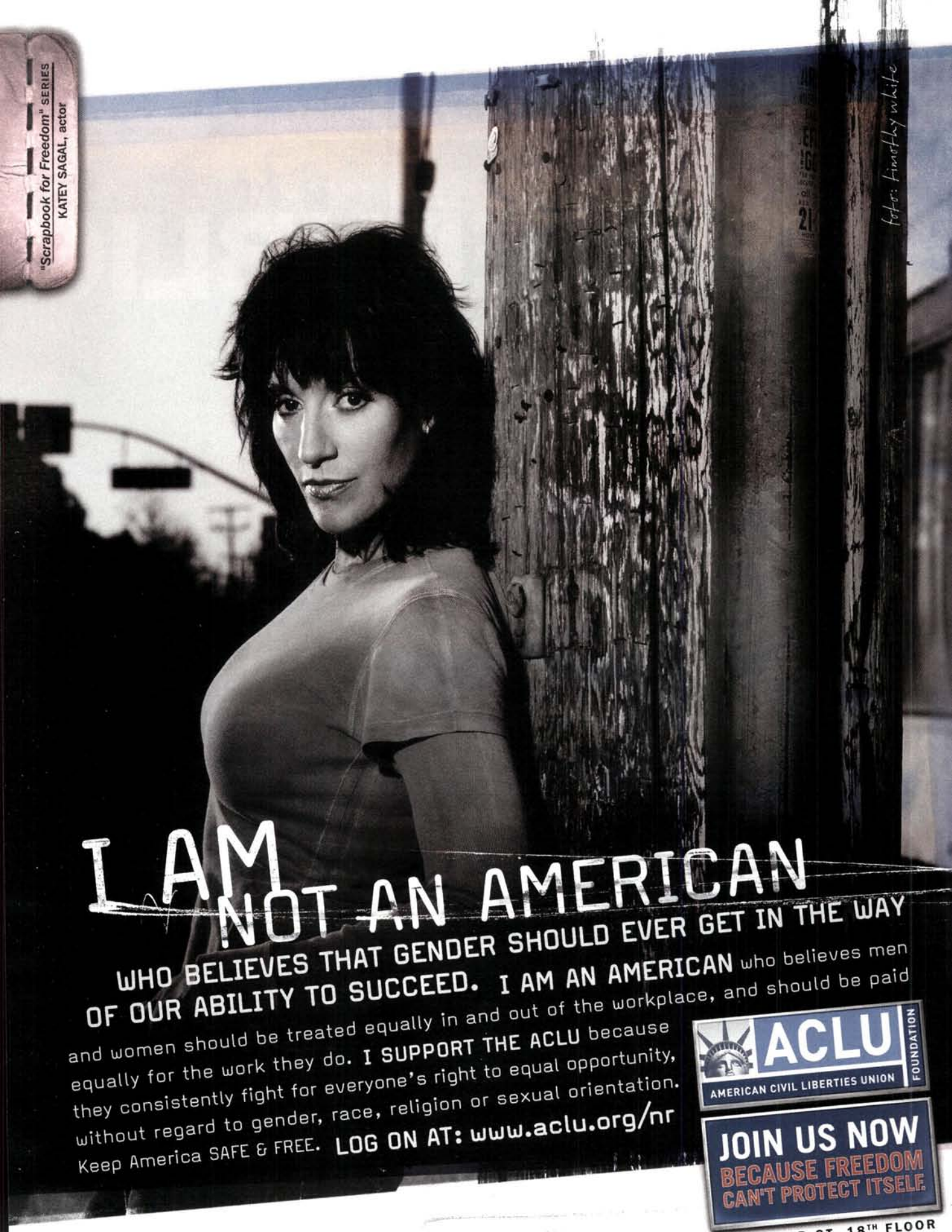
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THE NEW REPUBLIC
A JOURNAL OF POLITICS AND THE ARTS

JULY 5 & 12, 2004 WASHINGTON, D.C. ISSUES 4,668 & 4,669 VOLUME 231

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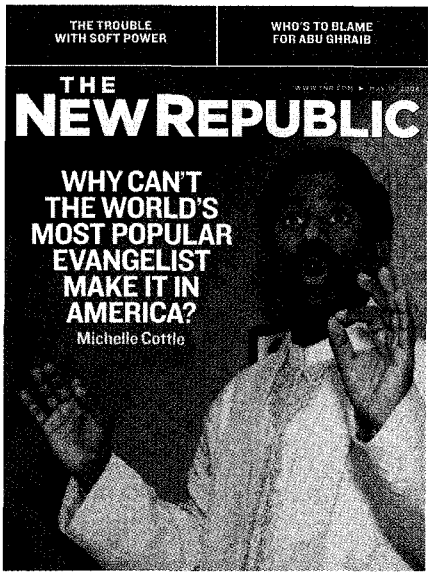
# CORRESPONDENCE

## POWER STRUGGLE

IN HIS REVIEW OF *SOFT POWER*, MY dyspeptic friend Jim Hoagland fires at so many targets that he almost loses sight of the book itself ("Elasticity," May 17). According to Hoagland, soft power is such a flexible notion that it is virtually meaningless. He lumps it together with globalization, another "uselessly elastic concept" that came into vogue during the Clinton administration. Really? The September 11 attacks demonstrated the tragic costs of not paying enough attention to transnational flows of people, goods, and money. The most powerful country in history failed to prevent the loss of nearly 3,000 lives and up to $80 billion in property. Globalization is here to stay, and soft power is one of the tools that can help us manage it. As I say in the book, it is a complement to, not a replacement for, hard power.

When Hoagland does turn to the book, he complains about too much political science and alleges (incorrectly) an inconsistency with my earlier book, *Bound to Lead*, which argues that soft power was one of the reasons that America was not in decline 15 years ago. Had he been more interested in analysis than in his preferred political agenda, he would not have confused power defined as behavior with the resources that produce it. He then goes on to dismiss the policy implications of the concept as "banal, and therefore undeniable." He cites as an example: "Empire is not America's fate." He should tell that to some of his neoconservative colleagues who have argued that the empire model has its virtues. Another banality—"Americans are better off working with allies and the United Nations"—was vehemently denied by the Bush administration (and its informal advisers like Richard Perle) until the rebuilding of Iraq became utterly bogged down. A third—that America's leaders need to listen better, and that the style of foreign policy does matter—is still the exception rather than the rule among some administration officials. With rising anti-Americanism in the aftermath of the Abu Ghraib photos, Donald Rumsfeld's comment last year that he did not understand soft power looks more costly than ever.


THE TROUBLE WITH SOFT POWER
WHO'S TO BLAME FOR ABU GHRAIB
THE NEW REPUBLIC
WHY CAN'T THE WORLD'S MOST POPULAR EVANGELIST MAKE IT IN AMERICA?
Michelle Cottle

When I wrote *Soft Power*, in the afterglow of MISSION ACCOMPLISHED, these points fell on deaf ears in Washington. While it's clear after a hard year in Iraq that the administration committed fundamental errors of judgment in its use of power, this was hardly conventional wisdom (or Hoagland's view) at the time. In his review, Hoagland appeals to the history of U.S. foreign policy. Too bad he did not note my reference to Teddy Roosevelt. It is good to have a big stick, but also to speak softly.

**JOSEPH S. NYE JR.**
***Dean, Kennedy School of Government***
***Harvard University***
***Cambridge, Massachusetts***

## OCCUPIED TERRITORY

IN HIS REVIEW OF JOHN LEWIS Gaddis's *Surprise, Security, and the American Experience* and Joseph Nye's *Soft Power*, Jim Hoagland credits President James K. Polk with the annexation of Texas. While the Democrat Polk campaigned in 1844 on a platform that included support for annexation, and while annexation surely was one of his stated goals, it was actually President John Tyler who deserves credit for this momentous event. Failing in his efforts to secure passage of a treaty that would have provided for Texas to become part of the Union, Tyler turned instead to an unprecedented joint resolution of Congress. On February 27, 1845, the Senate voted for the Texas Resolution by the razor-thin margin of 27 to 25. Later, the House approved a slightly amended resolution by a vote of 132 to 76. Tyler signed the annexation measure on March 1, three days before Polk took the oath of office.

**CHRISTOPHER J. LEAHY**
***Assistant Professor of History***
***Southeastern Louisiana University***
***Hammond, Louisiana***

**JIM HOAGLAND RESPONDS:**
For the most part, Professor Nye's uncharacteristically ill-tempered letter speaks for itself. But he attributes neoconservative views to me that he does not document with citations or further description because he cannot. As I suggest in the review, Joe Nye and I come essentially from the same school of American internationalism. That is why *Soft Power* was particularly disappointing for me. With regard to the annexation of Texas, John Lewis Gaddis, on page 18 of his book, credits the Polk administration with accomplishing the feat in 1845. I went with it. Thanks for setting the record straight. ■

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**THE NEW REPUBLIC** (ISSN 0028-6583); Vol. 231, Number 1, issues 4,668 & 4,669, July 5 & 12, 2004. (Printed in the United States on June 24, 2004.) Published weekly (except for combined issues dated April 12 & 19, June 7 & 14, July 5 & 12, August 16 & 23, September 13 & 20, November 29 & December 6, and December 27 2004 through January 10, 2005) at 1331 H Street, NW, Washington, D.C. 20005. Telephone (202) 508-4444. For advertising inquiries, please contact Mandy Hansen at (202) 508-4444 or our NY sales office at (212) 465-9447. Yearly subscriptions, $79.97; foreign, $119.97 (U.S. funds); Canada, $99.97 (U.S. funds). Back issues, $8.00 domestic and $10.00 foreign/Canada (includes postage & handling). © 2003 by The New Republic, LLC. Periodicals postage paid at Washington, D.C. and additional mailing offices. Rights and permissions: fax (202) 628-9383. Indexed in Readers' Guide, Media Review Digest. For hard copy reprints, call (202) 508-4444. Microform, Canadian Periodical Index, and CD-ROM are available through ProQuest, 300 N. Zeeb Road, Ann Arbor, MI 48106. Telephone (800) 521-0600. Postmaster: Send changes of address to The New Republic, P.O. Box 420235, Palm Coast, FL 32142-0235. Member, Audit Bureau of Circulations. Unsolicited manuscripts can be returned only if accompanied by a self-addressed, stamped envelope (e-mail address: letters@tnr.com). For subscription inquiries or problems call (800) 827-1289 or visit our website at www.thenewrepublic.com.

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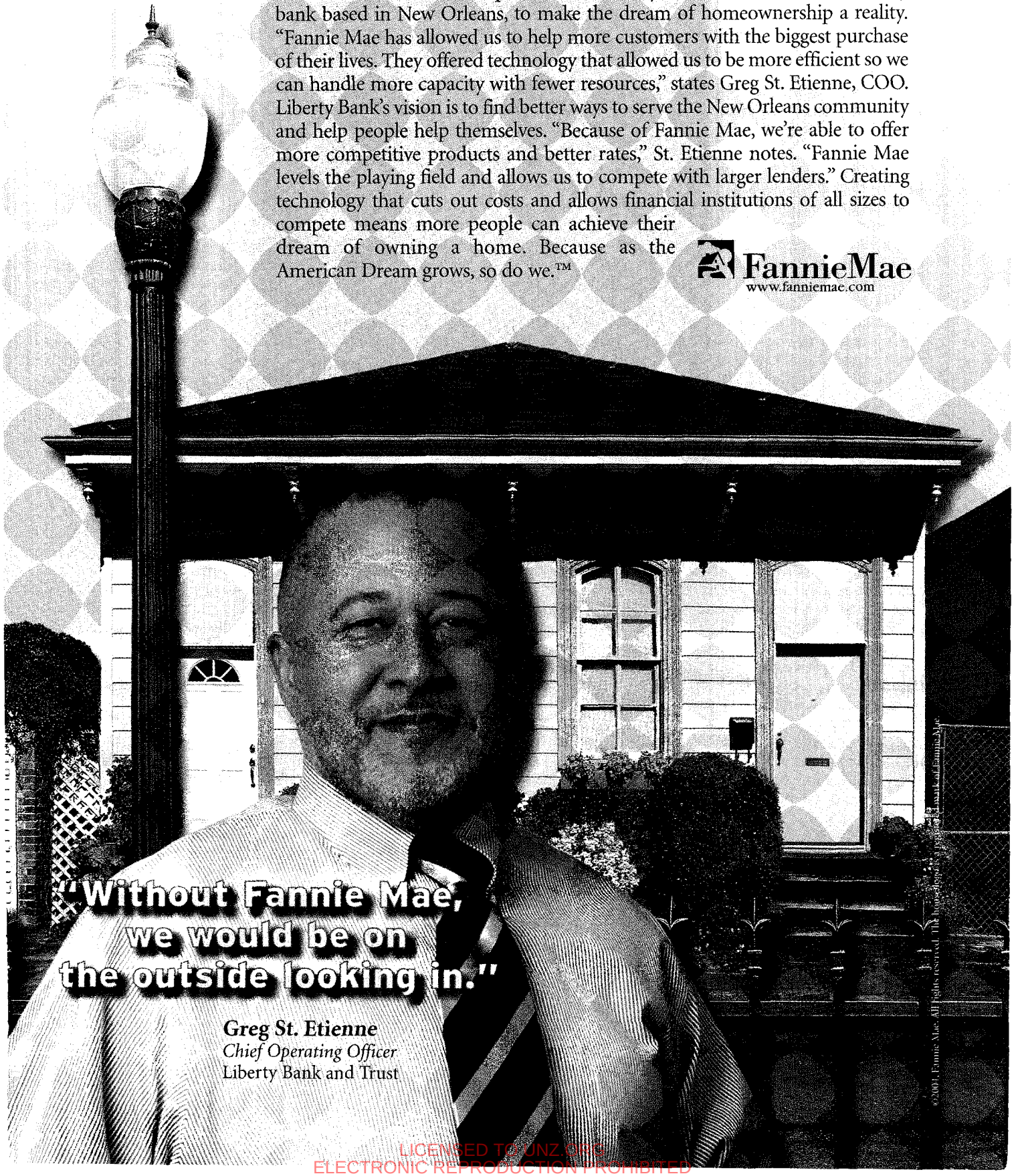


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# Blowback

TRB FROM WASHINGTON

THIS WEEK'S ABC NEWS/*Washington Post* poll may contain the worst news the Bush campaign has received all year. To understand why, consider the historic relationship between the public's view of terrorism, Iraq, and George W. Bush.

For close to three years now, the president has staked his reelection on the war on terrorism. It was September 11 that first sent Bush's approval ratings into the stratosphere—from 55 percent on September 9, according to ABC and the *Post*, to 86 percent four days later. As memory of the attack faded, Bush's numbers drifted downward again, hitting 59 percent in January 2003. But Iraq returned the war on terrorism to political center stage, and, on April 9, the day Baghdad fell, Bush's approval ratings were back up to 77 percent.

In the 14 months since, things in Iraq have gone from good to bad to worse. In response, the Bush administration has waged an unrelenting p.r. campaign to make sure Americans see Iraq not as a separate conflict, but as "the central battle in the war on terrorism." The hope has been that the public's strong support for Bush's handling of "terrorism"—support that stems largely from his decisive response to September 11—would brighten its view of his handling of Iraq.

This winter—after it became clear that Saddam Hussein's capture wouldn't stop the Iraqi insurgency—that p.r. strategy began to fail. By February 11, support for Bush on Iraq was down to 47 percent. But 64 percent of Americans still backed his handling of the war on terrorism. Despite the administration's efforts to link the two issues, the public was increasingly seeing them as distinct.

For the White House, the failure of this linkage strategy was bad news—since it left the president with one foreign policy strength (terrorism) and one growing weakness (Iraq). But, this week, the news got far worse. According to the new ABC/*Post* poll, the public is connecting Iraq and terrorism once again. Except now, instead of terrorism pulling Iraq up, *Iraq is pulling terrorism down.* Bush's approval on Iraq has dropped to 44 percent, down three points from February. But his terrorism rating has plummeted to 50 percent, a whopping 14-point drop. For the first time in more than a year, the Iraq and terrorism numbers are within a few points of one another. The public again believes that Iraq is the central battle in the war on terrorism. Except now it fears America is losing both.

Politically, this turns Bush's reelection strategy on its head. If the situation in Iraq improves, public perceptions of Bush's handling of terrorism likely will, too—and the problem will go away. But that's unlikely, since America's influence in Iraq is diminishing and Iyad Allawi's interim government seems unable to stop the insurgency. Failing that, Bush's best bet is to do exactly the opposite of what he has been doing for the last year. He needs to *de-link* the fight against Al Qaeda from the faltering occupation of Iraq—to remind Americans what they liked about his war on terrorism before they began seeing it through the dispiriting prism of Iraq.

One part of such a strategy would be easy. Bush needs to remind Americans of his strong, unifying presence immediately after September 11; the September GOP convention in New York offers a perfect opportunity. But the reason Bush's post–September 11 glow lasted so long was the successful war in Afghanistan, and he needs to regain credit for that, too. As it turns out, Afghanistan will be back in the news this fall as it prepares for its own elections. Bush's problem is that his administration has spent the last two years downplaying Afghanistan—making it seem like a mere prelude to the big anti-terrorism showdown in Iraq. And, partly because they have prioritized Iraq, the Bushies have neglected Afghanistan's reconstruction. They haven't provided the nationwide peacekeeping force that might have prevented warlords from taking over large swaths of the country. They have diverted Special Operations forces from the fight against Al Qaeda and Taliban remnants. And they have left Hamid Karzai's government starved of funds. As a result, this fall's elections may not take place. Having let Afghanistan falter and having bet everything on Iraq, the Bushies can't easily make it their showcase now.

Another feature of the war on terrorism the Bush campaign could emphasize is homeland security. The problem, as with Afghanistan, is that the Bushies no longer have a good story to tell. The Department of Homeland Security, whose contested creation helped Republicans at the polls in 2002, is today a mess. (See Michael Crowley, "Playing Defense," March 15). And, because Bush has underfunded many aspects of homeland security, the Kerry campaign can deploy legions of police and firefighters to accuse the administration of denying them the money they need to respond to the next attack.

That leaves the Bushies two final options. The first is the Patriot Act. Democrats want to spend money on homeland security, but they are squeamish about trampling civil liberties—more squeamish than the public at large. The more Bush can frame the war on terrorism as a struggle between Attorney General John Ashcroft and the American Civil Liberties Union, the better his handling of it will look.

The second option is more straightforward: capturing terrorists. Without Iraq, America's capture of key Al Qaeda operatives—in particular, Khalid Shaikh Mohammed and Abu Zubaydah—might have been the biggest news in the war on terrorism. Bush needs to refocus public attention on his success in that hunt—not only by showcasing past Al Qaeda captures, but by producing new ones. Getting Osama bin Laden, of course, would be the best way to detach the war on terrorism from Iraq. Even getting the long-forgotten Mullah Omar, or some lesser operative, would help.

But all this is triage. The stark reality is that the Iraq war now looks like a massive political mistake. Not only hasn't it given Americans a new reason to support President Bush, it has undermined one of the key reasons they already had. Disconnecting Iraq from the war on terrorism may be the president's best hope of reminding Americans why they once trusted him to keep them safe. Unfortunately for him, doing so requires undoing much of the work his administration has done over the last two years. And that work, it may turn out, has been done too well.

**PETER BEINART**

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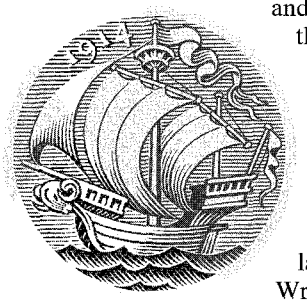
# Do Something

In March 2003, days before the United States overthrew Saddam Hussein, President Bush went on the radio to declare, "We have seen far too many instances in the past decade—from Bosnia to Rwanda to Kosovo—where the failure of the Security Council to act decisively has led to tragedy." But behind his statement lay a bitter irony. Because, even as the United States was resolving never again to stand by and allow genocide in Iraq, it was standing by and allowing genocide in Darfur, Sudan. Over the past year, as the national security rationale for the Iraq war has deteriorated, the Bush administration has turned increasingly to moral language to justify its invasion. Which makes it all the more remarkable that it has remained so passive in the face of the greatest moral emergency on earth today.

For more than a year now, in its western province of Darfur, Sudan's Arab government has been sending its bombers and arming a militia known as the Janjaweed to slaughter and ethnically cleanse black Africans from the Fur, Masalit, and Zaghawa tribes, which the government accuses of backing a rebellion. The International Crisis Group estimates the conflict has already claimed 30,000 lives and displaced 1.2 million people. And USAID Administrator Andrew S. Natsios predicts that as many as one million people could die from starvation and disease during the current rainy season if the Sudanese continue to deny relief agencies access.

So far, the United States and the world have done precious little in response. The Bush administration fears that, if it alienates the Khartoum government over Darfur, it will undermine one of its signature African achievements—the potential end to the 21-year civil war in southern Sudan. China and France have resisted a U.N. Security Council resolution demanding that Khartoum halt the violence and allow immediate humanitarian access because they have oil investments in Sudan. Russia and rotating Security Council member Pakistan, both of which are combating insurgencies, object that a resolution would infringe on Sudan's sovereignty. U.N. Secretary-General Kofi Annan last week agreed to visit Darfur soon but made no further commitment.

This inaction is particularly tragic because there's so much that can be done. Khartoum has yet to make good on its promise to disarm the Janjaweed, but it clearly has influence over the militia; indeed, many Janjaweed members have close ties to the Sudanese military. And the world has influence over Sudan. In 1996, for instance, Khartoum bent to international demands and expelled Osama bin Laden. In 2001, foreign pressure helped launch new peace talks in the south.



In recent weeks, the Bush administration has taken modest steps in the right direction. It has conditioned the normalization of relations with Khartoum upon an end to violence in Darfur. And it may supplement America's current sanctions against Sudan with travel and financial restrictions that target individual government officials. To make such sanctions more effective, the United States should coordinate with its European allies, the International Monetary Fund, and the World Bank.

But economic pressure isn't enough. The African Union and European Union are currently assembling 120 soldiers to monitor the "cease-fire" in Darfur—a region the size of France. That force needs to be much larger and much more aggressive. Until the violence stops and the humanitarian crisis subsides, peacekeepers should establish safe havens for displaced persons—places where aid organizations can tend to the hungry and sick, safe from attacks by Khartoum's killers.

Given our commitment in Iraq, the U.S. military is stretched too thin to provide many troops in Darfur. (And, despite all its moralistic talk, few in the Bush administration have ever shown much enthusiasm for using the U.S. military to save African lives.) But we can offer logistical and airlift support. And, if even a fraction of the 2,000 American troops currently stationed in nearby Djibouti were transferred to Darfur, they would have a dramatic psychological impact, encouraging other countries to volunteer more troops and showing Khartoum that the world's only superpower will no longer stand idly by. Remember, some 200 American ground troops helped end the violence in Liberia last summer.

As we editorialized last week ("Were We Wrong?" June 28), one of the great moral dangers of America's intervention in Iraq is that it will undermine America's ability—and its will—to prevent ethnic cleansing and mass murder in other parts of the globe. We are now confronting that danger in Darfur. If President Bush wants to show the world that his moral rhetoric was sincere in Iraq, he now has his chance, in Sudan. ■

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# NOTEBOOK

## PORTER GOSS CHANGES HIS TUNE . . . DANNY DAVIS CROWNS REVEREND MOON

### SUDDEN INSPIRATION

SAY THIS FOR PORTER GOSS: He knows when to make his move. Last week, Goss, the Florida Republican who chairs the House Intelligence Committee, introduced a bold proposal for reforming the fractious intelligence community. As *Time* described it, Goss's bill would "significantly expand the CIA director's executive and management authority over the whole intelligence community." In theory, it's a great idea. Right now the CIA director is the titular head of the various intelligence agencies but has direct control of only about 12 percent of the approximately $40 billion intelligence budget. (Goss's bill would put the CIA director in charge of over 70 percent.) The bipartisan Joint Congressional Inquiry into the September 11 Attacks made the creation of a director of national intelligence (DNI) with "the full range of management, budgetary and personnel responsibilities needed to make the entire U.S. Intelligence Community operate as a coherent whole" its number-one recommendation for reform.

But, while there's nothing wrong with Goss's proposal, his timing is awfully suspicious. Back in April, when Intelligence Committee Democrats introduced a bill establishing a DNI in line with the Joint Congressional Inquiry's recommendations, Goss blocked the effort. The Committee chairman, as *Congressional Quarterly* put it earlier this month, "wants to wait until the [independent] commission investigating the Sept. 11 attacks completes its report and offers its recommendations late next month." But suddenly, even though the independent commission has yet to issue its report, Goss isn't so eager to wait to strengthen the power of the CIA director. And that's probably because the next CIA director may be, well, Porter Goss. As soon as President

*Porter Goss*

Bush announced George Tenet's resignation on June 3, administration officials began leaking that Goss was a top choice for CIA chief. Goss wasn't shy about his candidacy, either, telling NPR that very day that "anybody would always be flattered to be considered for a position of responsibility in any administration." Less than two weeks later, Goss decided that granting the CIA director additional authority was long overdue. Commented 9/11 Commission Chairman Thomas Kean, "I would put a lot of weight behind anything Porter Goss recommends." Two weeks ago, we would have agreed.

### CHRONICLE OF MISGUIDED PHILANTHROPY

WE LEARN FROM *THE GREAT GATSBY* that the very rich are often careless with people and careless with their money. And, when they make "charitable" donations—individually or through their foundations and trusts—they are sometimes careless with both. The Ford Foundation was found to have supported the notoriously anti-Semitic 2001 U.N. World Conference Against Racism in Durban, South Africa. Now, its fellow philanthropies are supporting Women's eNews (womensenews.org). It is a much smaller project than Durban, though still biased—not by anti-Semitism but by vague anti-Israel politics and the soft bigotry of (very) low expectations of Arab societies.

The website is an "incubator program" of the Fund for the City of New York. (The Fund did not return THE NEW REPUBLIC's repeated phone calls.) But it has just about nothing to do with New York. It has a site in Arabic, the only foreign language in which it appears, focuses on developments of interest to women in the Middle East and the Islamic world. And, of course, there is much wonderful news to report. For instance, the site reported on a conference that will ponder whether women should be allowed to drive in Saudi Arabia. According to the site, "The simple fact of the conference—never mind its findings—is a sign of the swift progress that women have been making in the Gulf States." Great progress, indeed. The main English site is little better. One female journalist recently found Peshawar, Pakistan, a delightful place for a woman to wander alone. And then, there was an article by Sarah Smiles in praise of the widows of Hezbollah "martyrs" (not, of course, terrorists). Smiles writes, "At present it appears the future of Hizbullah is ensured, not only financially but by the willingness of many of its women to offer up their off-spring." Now, that's a progressive cause, and the article is an expression of gender solidarity. Rima Naji was Smiles's source: " 'God chose my husband to be a martyr and a Muslim, and that's a great honor,' says Naji, enamored with the promises of glory

DAVID COWLES

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outlined in the Koran. 'I hope my children become martyrs and my father and brothers too. Inshallah.' " Who finances this "feminist" enterprise that idolizes death and terrorism? The Rockefeller Family Fund, for one. The Teresa and H. John Heinz III Fund, for another. Teresa, you've got some explaining to do.

## MOON STRUCK

THE CONGRESSIONAL NEWSPAPER *The Hill* reported this week that several members of Congress are furiously trying to distance themselves from an unusual ceremony that took place on Capitol Hill in March. During the event—attended by at least four congressmen and a senator—Representative Danny Davis, an Illinois Democrat, placed a jeweled crown upon the head of Reverend Sun Myung Moon, a former convicted felon and the founder of the cultish Unification Church. Maryland Representative Elijah Cummings, a Democrat, praised Moon, who also owns the conservative daily *The Washington Times*, for "always standing up for what is right." In graciously accepting his crown, Moon proclaimed himself to be the world's "savior, Messiah, returning Lord, and true parent."

When *The Hill* asked Davis if he thought this coronation unusual, he replied, "I see people crowned. I go to parades quite a bit ... [and see] the queen of the homecoming parade, queen of the festival." But not everyone is as comfortable with Moon's coronation as Davis. Representative Curt Weldon, a Pennsylvania Republican, initially had staffers deny he attended the event but was forced to retract that statement after being confronted with photographs showing him there. Meanwhile, a spokeswoman for Cummings told *The Hill* that the congressman did not support Moon's claims to be the Messiah. Oh, now that's a relief. ■

## TNR.commentary

# &c.

NOAM SCHEIBER

**VEEP SPECULATION:** Last Friday's juicy *Washington Post* piece puzzles out what Kerry is looking for in a running mate. According to the piece, there are basically four criteria at play:

1. The candidate should have enough gravitas to be an effective president should the need arise.

2. The candidate should avoid upstaging Kerry as a politician. The corollary to this is that the candidate should have limited political ambitions, so that his primary focus is on what's best for the Kerry campaign/administration, not his own career.

3. The candidate should balance out Kerry's reputation as a Northeastern liberal—ideologically and/or culturally.

4. The candidate should have a good personal rapport with Kerry.

The *Post* piece also offers the following caveats about the selection process:

A. With due respect to the quote from Chris Heinz (Kerry's stepson) in last Thursday's Pittsburgh *Post-Gazette*, Kerry isn't so concerned about foreign policy heft. He thinks he clears that bar on his own.

B. Kerry is adamant about not repeating what he thinks were mistakes of the 1984 selection process, in which "the Democratic nominee was seen as interviewing people only to please constituencies," as the *Post* puts it.

C. Kerry doesn't think vice-presidential nominees have much effect on the outcome of presidential campaigns.

With all that in mind, what can we say about Gephardt and Edwards, who remain the two most likely candidates? Criterion 1 clearly favors Gephardt, who exudes gravitas, even if Caveat A makes it slightly less of a disqualifier for Edwards. Still, as the *Post* points out, Kerry reportedly groused to aides during the primaries, "What makes [Edwards] think he can be president?" This does not bode well for Edwards.

Criterion 2 also clearly favors Gephardt, who is widely known to be content with ending his career in public service after the 2004 election. Edwards, of course, is a likely candidate for president in 2008 if Kerry loses, and 2012 or 2016 if Kerry wins.

Edwards probably has the edge when it comes to Criterion 3. The *Post* reports that "Edwards's stock has shot up in recent weeks as private polling shows the freshman senator providing a boost to the ticket in key states because of his southern appeal and perceived likeability." But I think it's an exceedingly small edge, since Gephardt has plenty of blue-collar bona fides himself. And, in any case, Caveat C would seem to mitigate the importance of this consideration.

Criterion 4 is a no-brainer for Gephardt, whom Kerry reportedly would have endorsed had he dropped out of the race early.

Finally, for what it's worth, Caveat B suggests that June 16's longish Kerry-Gephardt meeting on Capitol Hill was unlikely to be a Kabuki dance staged for the benefit of key Democratic constituencies like labor. Put all this together and you have to admit that Gephardt is the clear favorite at this point.

**THE MEANING OF *LIFE*:** I think the Clinton book will end up exciting hard-core Democrats and Republicans more or less equally, making it basically a wash in that regard. I'm not moved by the idea that the comparison with Clinton will be unfavorable to Kerry, charisma-wise, and I don't think memories of Lewinsky and impeachment per se will hurt Kerry. But one more subtle effect concerns me. David D. Kirkpatrick reports in the June 21 *New York Times* that:

> Bush campaign allies are reviving talk about the honor and dignity of the Oval Office in thinly veiled references to the Clinton years.
>
> "I have found that the best way to get a rousing response from a crowd is to say that whatever disagreements you may have with President Bush on one issue or another, nobody can argue that he hasn't restored honor to the White house," said Gary L. Bauer, chairman of the organization American Values.

The White House has tried on several occasions to frame the election as a referendum on a narrowly defined understanding of the president's "character." (How many times have you heard that Bush is sure of his convictions, willing to make tough decisions, committed to doing what's right, et cetera?) The reason is obvious: Doing so deflects attention from the administration's colossal failures abroad and its borderline corrupt policies at home, and therefore represents Bush's best hope of being reelected. If the Clinton book helps the White House in this regard, even slightly, then it could be a devastating blow to Kerry's chances of winning.

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## Why the public isn't ready.

# Prep School

BY MICHAEL CROWLEY

On a recent spring afternoon, the specter of terrorism descended upon the Shrine of the Sacred Heart Church in Washington, D.C.'s Mount Pleasant neighborhood. Local officials had chosen the majestic church, the hub of a low-income Latino community, for what was dubbed a "community emergency management planning forum." LEARN HOW TO PROTECT YOUR FAMILY DURING EMERGENCY SITUATIONS! announced a flyer advertising the event. REFRESHMENTS WILL BE SERVED!

Manning a booth in the church basement, where folks seemed more interested in the free food than the free handbooks about terrorism, sat the head of Washington's Emergency Management Agency, Barbara Childs-Pair. She explained that the day's event—which included the mock chemical "decontamination" of a firefighter in a hazmat suit—was part of a national effort, directed by the Department of Homeland Security (DHS), to prepare Americans for future terrorist attacks. Childs-Pair was upbeat. "We have done a tremendous amount of training within our communities," she told me. But, I asked, would most people really know how to react if CNN reported a dirty bomb explosion? "I think the average person understands," Childs-Pair replied with a smile.

Out in the church parking lot, however, it was a different story. "First of all, what's a dirty bomb?" asked Anetta Thrasher, who had managed to acquire a free lunch but not this rather important information. I filled her in. "Oh," she said, looking troubled. "What am I supposed to do if it does go off?"

Good question. Officials have long said that an educated public is an essential part of homeland security. "A nation of citizens who are alert and prepared, a nation of citizens who refuse to panic, that's a terrorist's greatest fear," Homeland Security Secretary Tom Ridge has argued. Good preparation can prevent panic, ease the burden on emergency response systems, and, most important, save lives. "Preparedness can certainly mean the difference between life and death in some situations—knowing when to evacuate, where to evacuate, knowing who to listen to, where to get information," says Jerome Hauer, who has directed emergency response operations for New York City and the federal Department of Health and Human Services.

After September 11, people's ignorance of emergency procedures was supposed to change. Even if we were not headed back to the duck-and-cover drills of the cold war, the Bush administration made it clear there would be an important new role for the ordinary citizen. Nearly three years later, however, we haven't come very far. Thanks to the government's persistent bureaucratic confusion and a lack of funding for terrorism readiness efforts, many Americans are still clueless about how to prepare for and respond to potential attacks.

It's not just anecdotal evidence that reveals the public's confusion. In a recent survey by researchers at Carnegie Mellon University, about 90 percent of respondents agreed that, if a dirty bomb exploded, they should "get away as fast as humanly possible." But that's not the case. (If you're indoors, it might be best to stay put; the same goes if you're far away or upwind.) In a Harvard University survey, 44 percent of people didn't understand what DHS officials meant when they suggested devising an "evacuation plan." Only a quarter of those surveyed understood the term "shelter-in-place"—a key DHS readiness buzz phrase that means, essentially, stay inside and wait for instructions. And 90 percent of homes surveyed didn't have any kind of protective mask—an essential element of an emergency kit.

The Department of Homeland Security has tried to combat this ignorance, to little avail. Its most significant effort was the March 2003 "Ready" campaign, which used TV ads to guide people to a website with information on preparedness and response. But the Ready.gov website was riddled with flaws, from a lack of useful specifics (it failed to explain the significance of getting upwind of a chemical or biological attack) to plain misinformation (a clumsy illustration wrongly suggested the radioactive plume from a dirty bomb might cover hundreds of square miles). What's more, according to the Harvard survey, only 55 percent of Americans knew anything about the campaign. And many people who did see the TV ads never made it to the Ready.gov site. After all, plenty of Americans still can't access the Internet. As Thrasher told me: "I have no basics on the, uh . . . inter-computing."

Experts say educating the public on how to prepare for terrorism needn't be so hard. In regions of the country at high risk of natural disasters—earthquake-prone areas of California, for instance—citizens tend to be well-informed and prepared. "The fact that this isn't being done is not because [experts in the field] don't understand it, or we don't understand what to do," says Kathleen Tierney, director of the University of Colorado's Natural Hazards Center.

The problem seems to be, as usual, that the Bush administration's homeland security apparatus is disorganized and underfunded. "One of the main obstacles is one of staffing," says a DHS adviser. "I think they want to get this right, but they had an awful lot of challenges in getting the constituent agencies together."

One example of this failure is President Bush's Citizen Corps, a volunteer-based organization created two years ago. The Citizen Corps was supposed to tap local officials to hold readiness seminars and train residents in things like

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CPR, firefighting, and search and rescue. It would create, as the *Chicago Tribune* put it, "a legion of volunteers who can fend for themselves and their neighbors until authorities come to their aid."

Alas, Citizen Corps has become yet another budget-starved homeland security program. Although about 1,200 such councils have sprung up nationally since 2003, their impact has been marginal at best. Last year, Congress gave the program a paltry $40 million (Bush asked for $181 million). The year before—thanks, in part, to conservatives who resent "government-sponsored volunteerism"—it didn't budget a penny for the program.

To make a real difference, the Bush administration will have to fight to give Citizen Corps a real budget. And, readiness experts say, it needs to push more information at the public; a passive website isn't enough. DHS might consider the example of the Israeli police, which last year mass-distributed a pamphlet to every Israeli with detailed terrorism information, including the telltale signs of a suicide bomber. "Just find a mechanism, whether it's TV, or brochures in every doctor's office, inside buses ... or give kids at school something once a year," Hauer says.

To be sure, some cities are making progress on their own. Washington, D.C., for instance, is about to unveil a sophisticated notification program that can autodial emergency instructions to phone numbers in areas affected by terrorist attacks. But there's much more to be done. As I watched his colleague get "decontaminated" in front of a group of captivated young children outside the Sacred Heart church, I asked Washington Battalion Chief Lawrence Schultz about the dirty-bomb threat. "People that are more informed don't panic as much," he explained. "They know that, if a radiological dirty bomb goes off downtown and they're a few miles away, they don't need to run to a hospital. They can stay inside with their windows shut." But, of course, most people probably don't know that. So what would happen if a dirty bomb went off tomorrow? "Oh yeah," Schultz exclaimed. "Panic!" ■

## Baghdad Dispatch

# End of Days

BY LAWRENCE F. KAPLAN

"BAGHDAD IS HOT!" the crew chief yells. It's not a weather report; it's a warning, which makes his next command seem more reasonable: "So anyone with a vest, put it on!" And, with that, the C-130 transport plane ferrying equipment, soldiers, and contractors from Kuwait to Baghdad banks sharply to the right. Then, to avoid ground fire, it drops nearly straight to the ground.

This being the last week of June, Baghdad is hot in the conventional sense, too, something that becomes apparent when the ramp drops from the rear of the aircraft. Nor is it any cooler inside the sweaty tents or under the camouflage netting where Marines and contractors roast for entire days waiting for transport to the city center. Tariq, an Iraqi friend I'll be staying with, has offered to take me in his car. It's an incredibly kind gesture, but a suicidal one since the airport road isn't secure. Instead, I make my way toward his house as part of a convoy of Army Humvees and vans carrying troops, contractors, and diplomats to the Green Zone, where Tariq agrees to pick me up at the gate.

Speeding toward the Emerald City, as staffers of the Coalition Provisional Authority (CPA) like to call it, the soldiers manning the .50-caliber machine guns atop the Humvees scan flattened palm groves, which the Army bulldozed a few weeks ago after insurgents used them as cover for ambushes. In the distance, Apache gunships glide through the sky in twos and threes. An Abrams tank sits chugging like a generator on the side of the road. Beyond it lies a bleached landscape, ugly Saddam-era housing, occasional palm trees, and occasional Iraqis—who, for the most part, ignore us. Then the race is over; we arrive at the maze of concrete barriers that rings the entrance to the Green Zone.

Only a Graham Greene or a Bernard Fall could do justice to this place. Dozens of Iraqis have been killed by car bombs just in front of its gates, and the damage from the explosions remains in full view. Yet, beyond the barriers, beyond the armored personnel carriers, beyond the tanks—beyond all this lies a city where everything is ordered, everything is lush, everything seems, well, American. CPA staffers jog up and down the streets in shorts and T-shirts. Shuttle buses run a constant circuit, dropping passengers at the PX or the conference center or near the Green Zone Restaurant, where you can get a decent burger. Then there is the favorite tourist attraction: a market, run by Iraqis who live in the Green Zone, where you can buy Saddam kitsch and skimpy lingerie for the folks back home (or, Tariq tells me disapprovingly, drugs and sex). There are, to be sure, constant reminders that this is the fortress of an occupying power—the bombed-out palaces of Saddam's sons, the Blackhawk medevacs flying back and forth to the hospital, and the fact that the United States seems to have stacked up more firepower inside the Green Zone than it has in the rest of the country. Mostly, though, it resembles Epcot Center—relocated to hell.

In a few days, however, the CPA will cease to exist, reduced in stature on June 30 to a mere U.S. embassy. According to one senior CPA official, incoming Ambassador John Negroponte will "present his credentials to the Iraqi government just like U.S. ambassadors everywhere else,

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and I expect his duties will be much the same as those of any ambassador." True, American ambassadors to other countries tend not to have billions of dollars and over 100,000 troops at their disposal. And, true, the embassy will be doing many of the same things the CPA did—dispensing funds, preparing for elections, and training security forces. But the handover is no fig leaf. Negroponte will have none of proconsul L. Paul Bremer's sovereign political powers, which have been steadily flowing back to the fledgling Iraqi government since June 1. In fact, lest they do anything to revive the imperial taint of postwar Iraq, American officials have been shedding authority so quickly—to the point of abandoning a stack of last-minute edicts Bremer was poised to sign and promising Iraqis a say in future U.S. military operations—that the transfer of sovereignty has hardened from talking point into fact. "The Iraqi people need to understand that they have a stake in this," says one CPA official, "and that means removing the American symbols they associate with their country's future." Indeed, though it will still rank as America's largest diplomatic mission, the State Department estimates that the number of officials in the new U.S. embassy will be only one-third the CPA's postwar high of 3,000, as Foggy Bottom replaces Pentagon detailees and Capitol Hill types with foreign service officers.

In on-the-record interviews and briefings, officials remain as upbeat as ever about the CPA's accomplishments. The number of schools repaired, the number of police trained, the number of dollars spent—the quantification of success knows no limits in Saddam's former palace. But many of the midlevel officials who monitor day-to-day progress in their respective fields offer a different impression: anxiety. Anxiety about the CPA's failures. Anxiety about leaving a job unfinished. And, most of all, anxiety about what is to come in Iraq. No one will be clinging to the last helicopter off the roof, at least not any time soon. But the U.S. enterprise in Iraq henceforth proceeds on borrowed time. The only question is how decent an interval the Iraqis will allow us.

IN A REPORT to Congress last year, the administration said the CPA's mission was "to restore conditions of security and stability, to create conditions in which the Iraqi people can freely determine their political future, and facilitate economic recovery, sustainable reconstructions and development." I head to the Republican Palace, the CPA's nerve center inside the Green Zone, to find out why few believe that objective has been achieved. For all their efforts to de-schlockify it, the palace still looks like the inside of a jewelry box. The military purposely did not bomb the palace, assuming it would one day be used for exactly its present purpose. With soldiers and CPA staffers hustling back and forth through its marble hallways and between dozens of offices, the place has the feel, if not the look, of a well-armed high school—the only element that doesn't fit are the Gurkhas at the entrance.

At the root of almost everything that ails Iraq today, says nearly every official I speak with, is security—or, more precisely, its complete and utter absence. Mostly, this derives from the paltry U.S. troop levels in Iraq. Some CPA staffers complain bitterly that, as one puts it, "the generals know better than to ask for more soldiers." But choices made in the palace, Army officers are quick to point out, haven't made things any easier. The CPA's decision to disband the entire Iraqi army put hundreds of thousands of men in the streets, some of whom have joined the insurgents. Iraqi police and civil defense rolls have swelled with poorly trained and even more poorly equipped recruits, even as the new Iraqi army contains only one-third the number of troops the United States had pledged to have in uniform by now. Coalition authorities claim that 50 percent of all Iraqi security forces have proved reliable, 40 percent have quit, and 10 percent have actively cooperated with the insurgency. And, not only won't many Iraqi troops fight insurgents, they won't fight crime. In Baghdad, the number of kidnappings, murders, and armed robberies has skyrocketed since Saddam's fall. Steven Casteel, a senior adviser to the Iraqi Interior Ministry and America's point man for training the Iraqi police, tells me that, until recently, "the whole focus was on bringing new recruits on board; it was a numbers game."

Although hampered by bureaucratic sluggishness and security woes, America's effort to rebuild Iraq—at least physically—is finally underway. But progress is spotty. Iraq still doesn't produce the 4,500 megawatts of electricity it did before the war, much less the 6,000 megawatts the United States had promised by this time. It does, however, produce nearly as much oil as it did before 2003. Occupation forces have also immunized millions of children and distributed millions of textbooks. And, while less than $4 billion in reconstruction funds, out of $18 billion available, was spent during the first half of 2004, the pace of spending has picked up as the handover approaches. Alas, when measured in terms of winning hearts and minds—the whole point of the exercise—that effort has probably come too late. According to a CPA poll conducted last month, only 15 percent of Iraqis rate the country's infrastructure as a top priority, and a majority would feel safer if coalition forces left immediately. Security remains the top concern of most.

But the CPA's democracy specialists—by far the brightest lights in the Palace—insist that security is not a prerequisite for representative government. Sitting on one of Saddam's rococo couches, Judy Van Rest, a former Peace Corps official and the CPA's director of democratic initiatives, and Scott Carpenter, a former deputy assistant secretary of state for democracy and human rights and head of the CPA's Governance Group, cite the disconcerting examples of Cambodia and Colombia as proof that democracy can flourish amid violence. Max Primorac, the CPA's nongovernmental organizations specialist, makes a slightly different point. Primorac, who spent the last 15 years estab-

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lishing democracy programs in the Balkans and Central Asia, was so eager to get to Iraq that, when the Pentagon bureaucracy ignored his offer, he called the CPA directly, abandoned his consulting business, and boarded a plane for Baghdad. The pessimistic mood in Washington grates on him. He insists that violence has always been a feature of post-totalitarian societies, and that Iraq's democratic experiment has only just begun: "Only we would beat ourselves senselessly after a year. How long did it take Thomas Edison to invent the lightbulb?"

Tariq returns me to the Green Zone in the morning. I'll be interviewing CPA officials at the Republican Palace and should get there immediately. Instead, I go to Pizza Inn. With a slice in my hand and an Apache hovering over my head, the debate in Washington over which is to blame for the CPA's well-chronicled failures—America's ideals or their implementation—seems beside the point. In the Green Zone, it's impossible to disentangle the two. From its well-meaning admonitions (WHAT HAVE YOU DONE TODAY FOR THE IRAQI PEOPLE? a large sign on the road asks), to its wildly optimistic attempt to reinvent Iraq's political, economic, and social arenas, to its inability to wield the sort of imperialistic heft that might have cowed the country into tranquility, the CPA amounts to the purest expression of Americanism I have ever seen overseas. It is a virtue that could well be the CPA's epitaph. "We're bad occupiers," Primorac says. "But I'm proud of that." ■

## Fed in the sand.

# Hidden Costs

BY NOAM SCHEIBER

SO FAR THIS year, inflation has clocked in at an eyebrow-raising 5 percent annual rate. But that didn't stop the Senate Banking Committee from giving the nation's chief inflation fighter, Federal Reserve Chairman Alan Greenspan, the kid-gloves treatment during his reconfirmation hearing last week. Senators of both parties fell over themselves to praise Greenspan's "cool head and keen understanding of the markets" (Liddy Dole) and "your integrity, your intelligence, your ability to balance prosperity and inflation, a very difficult thing to do" (Chuck Schumer). John Sununu went so far as to suggest that the maestro might soon have to decide which unit of currency his portrait should grace.

To the extent that Greenspan had to discuss inflation, it was only in passing. "[O]ur general view is that inflationary pressures are not likely to be a serious concern in the period ahead," he told the committee in response to a question from Chairman Richard Shelby. The senators either nodded attentively or failed to absorb the statement (or both), and the topic went more or less unexplored for the subsequent two hours.

But the Fed's confidence in its inflation outlook—and the Senate's blithe unconcern—are misguided at best. The prevailing view at the Fed, as Greenspan put it in congressional testimony earlier this spring, emphasizes the concept of "slack." Since the economy hasn't grown as quickly as it could in recent years, the argument goes, there should be plenty of unused resources available. That means businesses should be able to increase output without seeing the costs of their inputs rise, costs they'd eventually have to pass along to consumers. Fair enough. The problem is that, in practice, slack is almost impossible to measure. Meanwhile, easier-to-measure indicators popular on Wall Street—not least the inflation rate itself—all point to a steady rise in prices. If Greenspan is wrong, and the financial markets are right, the only way the Fed will be able to get inflation back under control is by raising interest rates quickly and steeply—the classic way to trigger a recession.

THE CONCEPT OF slack has a rather notorious pedigree at the Fed. Throughout the 1950s and 1960s, legendary Fed Chairman William McChesney Martin deemphasized precise measurements of economic variables in his approach to setting interest rates. Martin's reasons for doing so were more epistemological than ideological: He didn't reject the relationship between slack and inflation; he was just skeptical of economists' ability to gauge it. "[Martin] felt that the economy was too complex to explain in detail; intuition would be lost and false leads followed if too much stress were put on measurement," former Fed Governor Sherman Maisel, who served under Martin, wrote in his book *Managing the Dollar*.

But things changed radically in 1970, when Arthur Burns, one of the country's foremost business-cycle economists, succeeded Martin as chairman. Burns felt that the amount of slack in the economy could be accurately measured. During Martin's last year at the Fed, reports of rapid economic growth and rising inflation had led him to hike interest rates. But, after conducting his own investigation, Burns concluded there was considerable slack in the economy and argued vigorously for a rate cut. The cuts persisted even as inflation continued to rise, heralding a disastrous period of rising prices that plagued the economy for more than a decade.

We now know that Burns's measures of slack were simply wrong. Burns, according to a 2000 paper by Fed economist Athanasios Orphanides, believed the unemployment rate could fall to 4 percent, where it had stood for much of the '60s, without triggering inflation. What Burns didn't realize was that the underlying structure of the economy had changed—the large productivity gains the country had experienced during the previous decade were coming to an end; demographic changes were altering the labor force. As a result, the economy was already producing as much as it

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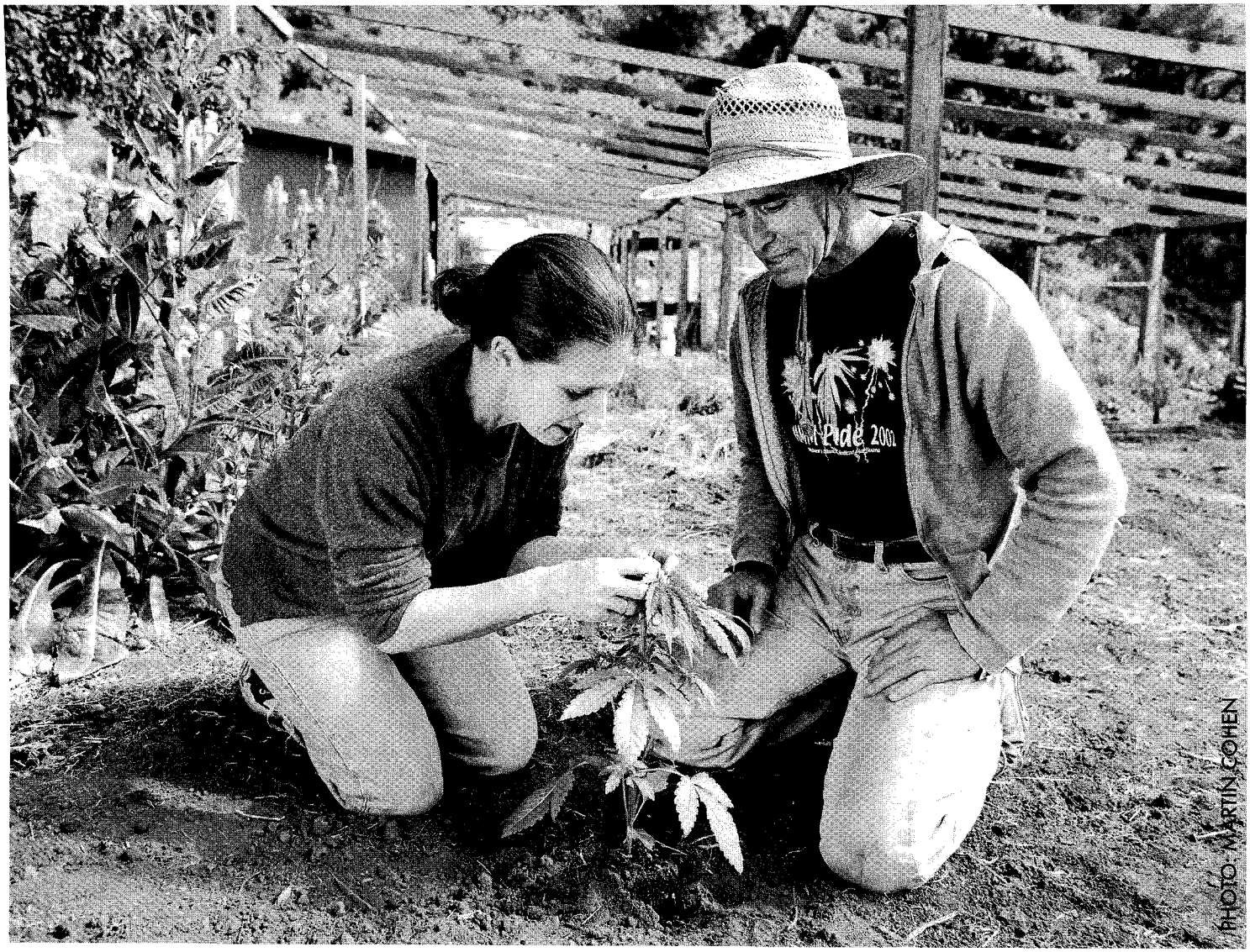


# PATIENTS TO FEDS: "Hands off our medical marijuana." The Court agrees -- it's up to the states.

On September 23, 2002, Mike and Valerie Corral's medical marijuana hospice near Santa Cruz, California, was raided just before dawn by federal agents. They were held at gunpoint while their co-op garden was destroyed.

The raid sparked outrage from Santa Cruz officials because the co-op was a text book example of what California's medical marijuana laws were supposed to allow: a safe place for the sick and dying, with a common garden, where the patients could care for each other. The city, county, and the co-op sued the federal government.

On April 21, U.S. Circuit Court Judge Jeremy Fogel barred the Justice Department from interfering with the Corrals, their 250 fellow patients, or their marijuana garden.[1] Judge Fogel cited Raich v. Ashcroft, the recent Ninth Circuit decision that found the federal government has no jurisdiction over patients who grow their own plants.[2]

The latest government study says, "cannabinoid drugs might offer broad spectrum relief not found in any other single medication."[3] A TIME-CNN poll shows that 80 percent of Americans support medical marijuana for the seriously ill.[4] Isn't it time for the federal government to catch up with science and the people?[5]

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1.Santa Cruz v. Ashcroft, C-03-1802JF 2.Raich v. Ashcroft 9th Cir No 03-15481 3."Marijuana and Medicine" Inst. of Medicine, 1999 4. TIME Nov 4 2002
5.To help, contact Americans for Safe Access www.SafeAccessNow.org 888-929-4367 or WAMM at www.wamm.org 831-425-0580

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could when Burns began cutting interest rates.

To be fair, today's Fed is less arrogant and more agile than it was in Burns's day. "They don't sit there and say, 'The output gap is 1.254 percent. ... That's what we know, stick with it,' " says Laurence Meyer, a Fed governor during the late '90s. Instead, according to Meyer, the Greenspan Fed is constantly comparing its forecasts to fresh data and adjusting its models accordingly.

Still, for all its supposed humility, the Greenspan Fed places an awful lot of faith in measures that aren't much more knowable than they were during the '60s. Take, for example, the output gap, which is the difference between what the economy can produce and what it is actually producing. The size of the output gap ultimately hinges on productivity growth. If productivity were to continue increasing at today's remarkably rapid rate—roughly 4.5 percent over the last few years—then the economy could grow faster than 5 percent over the long term (the rate of productivity growth plus 1 percent labor force growth). Alas, almost no one expects this to happen. Even worse, as Lehman Brothers chief economist Ethan Harris points out, neither does anyone know when productivity growth will taper off (it may have already), or by how much. Yet, the Fed is unmoved. Fed Governor Ben Bernanke, speaking in April, cited high productivity growth as a factor that "will help keep inflation under control for the next couple of years."

Another measure of slack is how much of the country's productive capacity—factories, equipment, et cetera—is currently in use. If the answer is not much, businesses can easily ramp up production in response to rising demand for their products. If the answer is a lot, then businesses will simply raise prices. (In the long run, of course, they can build more factories and buy more equipment.) The Fed's measure of capacity utilization in the manufacturing sector weighed in at 76.4 percent in May, suggesting the former scenario. By contrast, the Institute for Supply Management (ISM), a private manufacturing research group, estimates the figure to be over 85 percent. That's a critical difference, since economists believe prices start rising when utilization rates exceed 80 percent. Unfortunately, flaws in the Fed's capacity-utilization methodology mean the ISM number is probably closer to the truth. "We're finding out that [the Fed's measure] is woefully low, that it contains facilities that are already mothballed," says Jim Paulsen, an economist at Wells Fargo Capital Management in Minnesota.

All of which might be forgivable sources of confusion—except that so many other indicators suggest inflation is a problem. The most obvious cause for alarm is the core consumer price index (CPI), which excludes volatile food and energy prices. Core CPI has increased by 1.8 percent since May of last year and at a 2.9 percent annual rate during the first five months of this year, putting it above the Fed's unofficial comfort zone of 1 percent to 2 percent. The Fed discounts the recent numbers as a blip rather than a long-term trend. But a variety of other factors suggest the opposite. First, it's not just consumer prices. Producer prices are increasing rapidly—5 percent over the last year (and nearly 2 percent excluding food and oil). Likewise, the weak dollar and recent inflation among major trading partners have nudged import prices up as well.

Perhaps more important, as *The Economist* recently pointed out, inflation expectations are rising. In May, the University of Michigan Survey of Consumers put median one-year inflation expectations at 3.3 percent, a nine-year high. Another important measure of inflation expectations, the spread between the yield on regular long-term Treasury bonds and inflation-protected Treasury bonds, known as TIPS, recently hit a seven-year high. Expectations of inflation can create actual inflation, since businesses tend to raise prices and workers tend to demand higher wages when they anticipate their own expenses rising.

BUT, EVEN IF you reject all this, the Fed's reluctance to raise interest rates more rapidly is confounding. (The Fed has hinted it will raise rates by only a quarter-point next week.) The whole idea behind moving the federal funds rate from 1.75 to 1 percent between November 2002 and June 2003 was to take out an "insurance policy" against Iraq-related uncertainty and deflation (commonly defined as generally falling prices), which Fed officials were convinced was a small, but serious, risk. Or, put differently, the Fed lowered short-term interest rates last year in a deliberate attempt to *create inflation*. Now that even the Fed admits the risk of deflation has passed, it makes no sense to keep that policy in place.

Fed officials argue that they can always raise interest rates later if they turn out to be wrong. But inflation tends to be inertial—making it tough to kill once it takes root. What's more, according to most economists, interest rate movements take more than a year to work their way through the economy. Given the Fed's current go-slow approach, Brandeis University economist Steve Cecchetti, a former research director at the New York Fed, wrote in his recent "Inflation Update," "inflation will continue to rise for the next 3 years!" Economists like Cecchetti and Diane Swonk, of Bank One in Chicago, believe that inflation could rise above 3 percent by 2007. "I think, at that point, [the question is] how high do rates have to go" to get inflation back in check, says Swonk. Most economists agree that, if inflation resurfaces, it will take rates of at least 6 or 7 percent to rein it in. And that, says Swonk, could trigger a recession. Maybe we shouldn't get that Greenspan greenback ready just yet. ■

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The case against George W. Bush: Part I.

# Closing of the Presidential Mind

BY FRANKLIN FOER

On February 27, 2001, George W. Bush addressed a joint session of Congress. When the president had last ventured to the Capitol for his inauguration 37 days earlier, he had delivered a homily urging the nation to move past the sting of the Florida recount. This time, he dispensed with the magnanimity and unveiled his agenda, delivering a speech filled with promises to cut taxes, pay down the national debt, study Social Security privatization, and deploy national missile defense.

If commentators had been allowed a peek inside the West Wing in the days before Bush's address, they would have noticed that the speech didn't just set policy priorities; it defined the administration's intellectual style. During the Clinton administration, wonks immersed themselves in the preparation of State of the Union addresses. In the months leading up to the speech, academics—from Michael Sandel to Robert Putnam to Alan Brinkley—suggested themes. During the last fevered weeks, speechwriters sat at their keyboards while government economists cycled through their offices to fact-check language and tweak proposals. Michael Waldman, Clinton's chief speechwriter, described the process in his memoir, *POTUS Speaks*, as repeated "grill[ing of] policy experts" and "[boiling] gallons of advice into a few tablespoons of intense sauce."

In the Bush administration, it didn't quite work that way. As former Treasury Secretary Paul O'Neill told journalist Ron Suskind, the administration was so "distrustful of the agendas of expert staffers in the various departments" that they were simply removed from the speechwriting loop. Treasury economists, for example, had no opportunity to double-check the president's numbers and therefore couldn't purge a disingenuous understatement of the amount of redeemable U.S. debt—a $700 billion understatement that conveniently made the president's large tax cut seem less fiscally onerous. According to O'Neill, the phobia of experts led the White House to "circulat[e] final drafts of the State of the Union to almost no one outside the West Wing."

In nearly every corner of the administration, examples of this derisive attitude toward experts abound. Bush has stripped the director of the Office of Science and Technology Policy of his title "assistant to the president"—a migration down the organizational flow chart that requires him to report through White House aides rather than to the president himself. The Bushies have evicted the Council of Economic Advisers, an office renowned for its nonpartisan calculations, from the White House complex—a relocation that *The Washington Post* described as the "political equivalent of being sent to Elba." And those are just the symbolic shots. Seemingly everyday, newspapers run stories about experts whose opinions have been either ignored or stifled. Last year, Medicare chief Thomas Scully reportedly threatened to fire one of his agency's actuaries if he provided Congress with accurate estimates of the cost of the administration's prescription-drug benefit. When the administration planned to loosen the regulation of mercury emissions from power plants last year, it never consulted Environmental Protection Agency (EPA) experts. "E.P.A. staffers say they were told not to undertake the normal scientific and economic studies called for under a standing executive order," according to the *Los Angeles Times*. And, in May, the Food and Drug Administration (FDA) overruled the recommendation of a scientific advisory panel that had reviewed 40 studies and 15,000 pages of data, refusing to permit over-the-counter sales of the morning-after pill.

You can even tell the story of the postwar failures in Iraq by recounting the episodes of experts scorned. Throughout 2002, Defense Secretary Donald Rumsfeld's Pentagon prohibited its officials from participating in interagency planning for reconstruction. According to *The Atlantic*'s James Fallows, when the CIA convened Iraq specialists to imagine worst-case scenarios that might follow Saddam Hussein's defeat, the Defense Department forbid its officials from joining the exercise. Across the river in Foggy Bottom, the State Department's Future of Iraq Project produced a 13-volume report, based on a yearlong collaboration with over 240 Iraqi exiles. But, when General Jay Garner—the first head of postwar Iraq reconstruction—wanted to borrow ideas from these findings, his Pentagon bosses ordered him to ignore State's work. A shame, one Garner aide has lamented, since they had desperately needed it. "We had few experts on Iraq on the staff," he told *The New York Times* last October. Even the shortage of troops on the ground traces back to the Pentagon's dismissive attitude toward experts. In his book *Plan of Attack*, Bob Woodward documents how General Tommy Franks kept providing Rumsfeld with war plans produced by top military planners, only to receive knee-jerk exhortations to revise the blueprints so they required fewer bodies.

The most common explanation for this animus is that the White House overflows with political hacks uninterested in the nitty-gritty of policy. But the administration's expert-bashing also has deep roots in ideology. Since its inception, modern American conservatism has harbored a suspicion of experts, who, through adherence to inductive reasoning

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and academic methodologies, claim to provide objective research and analysis. To be sure, this social-scientific approach has its limits. Conservatives have raised genuinely troubling questions about its predilection for downplaying the role of "culture" and "values" in shaping human behavior. But the Bush administration has adopted a far more extreme version of this critique: It takes the radically postmodern view that "science," "objectivity," and "truth" are guises for an ulterior, leftist agenda; that experts are so incapable of dispassionate and disinterested analysis that their work doesn't even merit a hearing. And the results have been disastrous.

EVER SINCE THE progressive era, the American policy establishment has believed, as my colleague John B. Judis put it in *The Paradox of American Democracy*, "that the way to a disinterested social policy was through the application of social science to national problems." At the close of the nineteenth century, the government began stocking the bureaucracy with economists, sociologists, statisticians, and other experts. First, they arrived in Washington in dribs and drabs to perform technical tasks—the Bureau of Labor, created in 1884, began compiling data on wages and working conditions. Then, at the height of the progressive fervor, government experts started exerting control over whole swaths of the national economy. Woodrow Wilson created the Federal Reserve Board in 1913 so economists could manage the circulation of money. Over the ensuing decades, the world wars, the cold war, and the war on poverty all swelled expert ranks. By 1978, a National Academy of Sciences report found that 180 government bureaus and agencies spent $2 billion annually on social-science research.

Hostility to this government-by-experts didn't begin with Bush. The disillusioned liberal intellectuals who clustered around *The Public Interest* journal in the mid-'60s and came to be called neoconservatives—including Irving Kristol, Daniel Patrick Moynihan, and James Q. Wilson—developed the most comprehensive critique of the experts. At first, they didn't reject the progressive vision of government. They just disliked the way it had been applied. If there was a theme to their complaints, it was that social science focused too much on material "fact" and ignored the importance of "culture" and "values." So, for instance, when Moynihan analyzed the problem of black poverty, he focused on the decaying family structure. And, when Wilson studied violent crime, he emphasized that the root problem wasn't so much economic deprivation but policing that turned a blind eye to low-grade infractions like jaywalking and public drunkenness, creating a dangerous tolerance of deviancy.

Neoconservatism may have begun as a friendly critique of the bureaucratic experts—pointing out "the limits of social policy," as Nathan Glazer titled a 1971 essay—but it soon became a hostile one. The events of the late '60s and early '70s, especially the revolts on university campuses, decisively alienated the neocons from their liberal colleagues. Drifting further rightward, they increasingly echoed Barry Goldwater's libertarian attacks on big government, and they began describing its experts more ominously, lumping them with New Left radicals. Essays in *The Public Interest* and *Commentary* denounced social scientists as avatars of a "New Class" of "intellectuals." Their supposed objectivity, the neocons argued, was merely a cynical guise for them to seize power and pursue a liberal agenda. "Though they continue to speak the language of 'progressive reform,' " Kristol wrote in 1976, "in actuality they are acting on a hidden agenda: to propel the nation from that modified version of capitalism we call 'the welfare state' toward an economic system so stringently regulated in detail as to fulfill many of the anticapitalist aspirations of the left."

By the mid-'70s, the *Public Interest* crowd hadn't just grown hostile to experts. It had grown hostile to social-science itself. As Judis writes, the neocons came to reject "the very idea of a dispassionate and disinterested elite that could focus on the national interest." In the end, they sounded a lot like their enemies on the far left. "While the new left rejected social science as being implicitly 'probusiness' and 'promilitary,' the new right and its think tanks rejected it for being 'antibusiness' and 'left wing.' " The term "New Class" has faded from intellectual fashion, but this conservative animus toward social science has only grown. Under Bush, a president who happily dismisses government experts as "bean counters," it has become a guiding ideology.

FROM ITS INCEPTION, the CIA has been staffed by devotees of the social-scientific method. Legendary Director Allen Dulles—who picked the Agency's tweedy motto, "And ye shall know the truth and the truth shall make you free"—intended the Agency to be an ivory tower, where analysts, protected from political pressures, would produce disinterested findings. As the Yale historian Sherman Kent, the longtime director of the Agency's Office of National Estimates, wrote in a seminal 1949 textbook on intelligence, "[W]e insist, and have insisted for generations, that truth is to be approached, if not attained, through research guided by a systematic method. In the social sciences ... there is such a method."

These pretensions made the CIA a ripe target for the New Class critique. Nobody raised graver doubts about the Agency than Albert Wohlstetter, the University of Chicago political scientist who mentored both Deputy Secretary of Defense Paul Wolfowitz and former Defense Policy Board Chairman Richard Perle. In 1974, Wohlstetter published an essay in *Foreign Policy*, charging that the U.S. government chronically underestimated the Soviet nuclear arsenal. Over time, conservatives developed a theory to explain this alleged undercounting of missiles: The Agency was biased—stocked with graduates of elite liberal colleges who were schooled in secular rationalism and the mores of the New Class. Richard Pipes, the Harvard historian who chaired Team B—a panel of outsiders the CIA eventually

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invited to reexamine its intel on the Soviet threat—wrote a 1995 *Commentary* essay portraying the archetypal Agency analyst like this: "Such a person does not understand and therefore is unable to take seriously ideological or religious fanaticism; he interprets behavior that does not serve his conception of enlightened self-interest as either affectation or the result of material want and social injustice." Abram Shulsky, a RAND Corporation analyst who ran the Pentagon's controversial Iraq war-planning outfit, the Office of Special Plans (OSP), has made this critique at length in essays and in *Silent Warfare*, a book he co-authored with Gary Schmitt. Instead of trying to understand tyrannical regimes on their own terms, Shulsky and Schmitt argue, CIA analysts have been trained to believe that "people are fundamentally alike and want the same things"—that all of humanity can be studied with the same models that economists and sociologists apply to farmers in South Dakota.

There's something to this critique. According to RAND's Greg Treverton, a former vice chair of the National Intelligence Council, "[A]nalysts too often assume that America's adversaries have rational motives." (The Agency is well aware of this flaw, which analysts call "mirror imaging.") But, rather than simply using this critique as a basis for prodding analysts, Bush officials have taken a more extreme position. One former colleague of Wolfowitz and other top administration officials told me that "they so believed that the CIA were wrong, they were like, 'We want to *show* these fuckers that they are wrong.'" Public statements, naturally, aren't nearly so vituperative. Still, there's a long history of dumping on the Agency. At a 1994 seminar, Wolfowitz charged CIA analysts with perpetrating a classic New Class trick: They present their findings as objective "sanctified intelligence judgments" when they really conceal "ignorance of facts" and "policy bias."

To correct for these deficiencies, the administration has sought to make analysts more subservient to policymakers—"even though," as Wolfowitz put in 1994, "some in the Intelligence Community seem to think this is a bit like bringing infidels into the mosque." In late 2001, Rumsfeld's Pentagon created the Policy Counterterrorism Evaluation Group, which would evolve into the OSP headed by Shulsky. It charged the group with reanalyzing the CIA's raw intelligence and scouring for instances of Iraqi sponsorship of terrorism that the Agency had been too biased to catch. As Perle described the justification for the group in a July 2003 interview with PBS's "Frontline," "If you're walking down the street, [if] you're not looking for hidden treasure, you won't find it. If you're looking for it, you may find something. In this case, [the CIA] hadn't been looking."

Perle's metaphor, however, crumbles almost instantly. For starters, it's not like the CIA hadn't spent thousands of man-hours searching for an Al Qaeda–Iraq nexus. As Clinton terrorism specialist Daniel Benjamin has exhaustively documented, the CIA searched intensely and found little significant evidence. And that's the problem with Perle's analysis. He wanted forgone conclusions built into the intelligence analysts' assumptions. (The treasure must be hidden!) This methodology led the Bush administration to look past the CIA's caveat-riddled assessment of Saddam's WMD programs, overrule the Agency's doubts about whether Iraqi agents had tried to buy Nigerien yellowcake, and uncritically swallow testimony from defectors provided by the Iraqi National Congress. The infidels had entered the mosques.

WOLFOWITZ'S BELIEF IN policy-maker supremacy is typical of the administration. Over the last four years, it has tried to transform bureaucratic experts from independent arbiters into authors of administration talking points. Consider the case of the Congressional Budget Office (CBO), which was founded in 1974 as part of a post-Watergate spree of good government reforms. It was intended to keep the Office of Management and Budget (OMB), which was lodged inside the White House, honest. The CBO has guarded its apolitical bona fides fiercely, hiring an ideologically diverse staff and refraining from public punditry that might cast doubts on its independence. It has consistently issued reports disputing the rosy budgetary assessments emanating from the White House. The Clinton administration, for example, spent its first term suffering CBO rebukes. When the CBO tallied up the costs of Clinton's health care plan, its analysis showed that the program would swell the deficit by $74 billion—a far cry from the $58 billion in net revenue that the Clintons had promised it would generate. "They are a fact-checker that keeps the administration honest," says the Urban Institute's Len Burman, a veteran of both the CBO and the Clinton Treasury Department.

From its creation until last spring, the CBO calculated the effects of tax cuts and estimated growth using careful, consensus-minded econometric models. Conservatives derisively termed this method "static analysis." In its place, they wanted the CBO to adopt their more "dynamic" model—one that assumes, as supply-siders do, that cutting top marginal tax rates will dramatically increase incentives to work, spurring growth rates higher than any Keynesian would dare imagine possible. As conservatives describe it, this model would show that tax cuts would also give a healthy boost to government revenue. That is, when a tax cut is calculated dynamically, conservatives hope it will be shown to cost less money—an adjusted price tag that will make such cuts easier to sell the public. The conservatives' campaign succeeded, and, in the spring of 2003, the CBO used dynamic scoring for the first time.

But "static analysis" was part of the CBO's tradition of neutrality. When cobbling together its models for protecting economic growth, the CBO operated within the best progressive tradition of disinterested policy-making. It has, historically, based its predictions on a modest set of assumptions. While the CBO calculated the economic effects of government revenue lost from tax cuts, it steered clear of both Keynesian and supply-side models, which would re-

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quire contentious predictions about how tax cuts influence savings and work. The CBO approach left much less room for individual economists to impose their own ideological and theoretical agendas. And, in the end, the method was a concession to the limits of economics: There's not much that the discipline can predict with great certainty, so static analysis limited itself to the few variables around which there was broad agreement.

The campaign to impose "dynamic scoring" is an effort to transform the CBO from an honest broker—one that uses calculations partial to neither the left nor the right—into an engine for supply-side economics. When conservatives attack government economists, who mostly oppose dynamic scoring, they level the classic criticism of the New Class: The experts are biased and corrupt. Attacks on the office by *The Washington Times* and *The Wall Street Journal* editorial pages have accused the CBO of using models that seem centrist and uncontroversial at first glance, but, in fact, are merely a ruse to distract from its closet Keynesian biases. Writing in the *Journal*, supply-sider Bruce Bartlett has charged, "Although the CBO would today deny being a bastion of Keynesianism, it continues to use methodologies devised during its early days, and many of its key players are still on board." The result is "an agency that has over the years been so supportive of the Democrats' agenda."

During previous Republican administrations, these arguments remained on the ideological fringe. But, in the Bush administration, they emanate from the very agencies that were supposed to house neutral, objective arbiters. The then-head of the Council of Economic Advisers, Glenn Hubbard, testified before Congress on the cause's behalf in May 2002 and made the case on the *Journal* op-ed page.

Unfortunately for the Office's critics, the economy's performance over the last two years has demonstrated that the CBO's old methods predict economic performance far more accurately than dynamic scoring does. In 2000, Stephen Moore and columnist Larry Kudlow challenged the CBO's predictions of surplus, dismissing them as far too modest. Describing their own calculations in *The Washington Times*, Kudlow wrote, "Using historical growth trends, budget surpluses over the next decade could easily rise to $7 trillion, 50 percent above the CBO estimates." Needless to say, as this year's projected $370 billion deficit evinces, their analysis was a tad too dynamic to capture economic realities. And that's the point: Their method isn't about advancing toward an objective analysis; it's about advancing policy goals.

THE ADMINISTRATION'S ASSAULT on the hard sciences has been even more audacious. Take its stance on global warming. When Bush arrived in Washington, he announced, "My administration's climate-change policy will be science-based." But, every time the bureaucracy assesses the science on which such a policy could be based, the administration stifles it. In May 2002, the EPA submitted a report to the United Nations documenting the human role in the accumulation of heat-trapping gases. But, after industry began carping about this document and its implications for policy, Bush publicly dismissed it as "a report put out by the bureaucracy." A few months later, the administration purged the section on climate change from the EPA's annual air-pollution assessment.

The following year, it bowdlerized the EPA's first-ever Report on the Environment—a document that the Agency's administrator, Christine Todd Whitman, had intended "to be a hallmark achievement in identifying indicators that can be used to measure EPA progress in protecting human health and the environment." Originally, it included a long section on the risks posed by rising global temperatures. "Climate change has global consequences for human health and the environment," the report read. But then the OMB and the White House applied their red pens. They excised this statement and tinkered madly with the rest, inserting phrases implying that cooling is as grave a threat as warming. And, throughout the report, they inserted the words "potentially" and "may," implying uncertainty on subjects about which there is broad agreement. After all these revisions, the EPA felt its report "no longer accurately represent[ed]" scientific opinion. Instead of releasing such an error-riddled paper, the EPA dropped its climate section altogether, replacing it with a paragraph that a *New York Times* editorial described as "pablum about the complexities of the issue."

There are dozens of similar examples of scientific abuse. Last year, top EPA officials quietly blocked dissemination of a report analyzing the efficacy of congressional legislation limiting the release of sulfur dioxide, nitrogen oxides, and mercury. The administration quashed the report because it would have highlighted the necessity of imposing regulations it opposes. In March, the *Los Angeles Times* reported that the National Marine Fisheries Service hired six leading marine scientists to study the health of West Coast salmon and steelhead trout species. But the service stripped almost all of the scientists' recommendations from its official report.

While this suppression seems like naked pandering to the administration's industry friends, there's an ideological superstructure to justify its behavior: Conservatives contend that even scientific conclusions stem from ideological bias. *Politicizing Science: The Alchemy of Policymaking*, an anthology published by the Hoover Institution and the industry-funded Marshall Institute, is the critique's clearest distillation. The book contends that scientists are driven by a "love of power and domination." They produce studies that show environmental crises, for instance, because these crises spur Congress to spend money on the EPA—which, in turn, finances their research. In other words, as with budget and intelligence analysts, scientists may style themselves as objective, but they are anything but. It's an argument that the Bush administration repeats often: Officials argue that policy should flow from "sound science," not "junk science."

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There may be instances of government funding genuinely junky science. But the genealogy of the Bushies' argument has dubious roots: It was pioneered by the tobacco lobby. Documents procured in recent litigation show that, in the early '90s, cigarette companies wanted to cast grave doubts on government scientists' capacity to produce fair research. But they didn't want to be too closely associated with this debunking. Instead, tobacco quietly formed a coalition of industries that would challenge every aspect of government science, from its studies of global warming to auto safety. They called their group, formed in 1993, The Advancement of Sound Science Coalition. As the University of California, San Francisco's Stanton Glantz and Elisa Ong have described, "The 'sound science' movement is not an indigenous effort from within the profession to improve the quality of scientific discourse, but reflects sophisticated public relations campaigns controlled by industry executives and lawyers whose aim is to manipulate the standards of scientific proof to serve the corporate interests of their clients." Despite its cynical motives, tobacco's sound science coalition acquired a broad following. Interior Secretary Gale Norton advised the group, and its approach has found its way into the Bush administration.

The "sound science" argument has been most prominently invoked by Harvard Professor John Graham, who heads the OMB's Office of Information and Regulatory Affairs (OIRA). Last summer, Graham proposed restricting the bureaucrats' power to assemble peer-review panels—which assess the validity of science used to make policy—and transferring it to the OMB. Worse, his proposal suggested that most scientists who received funding from a government agency be prohibited from peer-reviewing any science used by that agency. Industry-funded scientists, by contrast, would be subject to no such restrictions. Tufts University's Anthony Robbins, the co-editor of the *Journal of Public Health Policy*, fulminated that the new process "could ultimately destroy integrity in science as we know it." Because the response to his original proposal was so strident, Graham scaled it back, largely removing restrictions on government-funded scientists. But a revised proposal released last April still has the same effect. It shifts responsibility from expert bureaucrats to political appointees. The same people who had decried the politicization of science will have been more responsible for it than any policymakers in American history.

THERE IS A great irony in all this. The Bush administration's leading lights, Dick Cheney and Donald Rumsfeld, reached political maturity in the Nixon-Ford years—in retrospect, a golden age of social scientific policy-making. During that bygone era, experts were more than tolerated. They were given unprecedented access to the Oval Office. Paul O'Neill has described how Nixon would summon middling OMB staffers and demand they prepare lengthy "Brandeis briefs," brimming with data and detailing both sides of an argument. "Pray God you didn't leave out some important point or counterpoint," O'Neill recalled to Suskind, "Nixon would call you on the carpet." In part, this greater intellectual honesty could be chalked up to Nixon's and Ford's personal politics. Their moderate ideologies—or lack thereof—demanded far fewer ready-made solutions and, therefore, necessitated a greater study of options. The high-water mark of this era came when Gerald Ford quietly brought John Kenneth Galbraith and Milton Friedman to his office for a session of gladiatorial combat over economic policy.

In keeping with the more intellectually honest spirit of the times, the Nixon and Ford White Houses found a place for a Democrat, Daniel Patrick Moynihan. He captured the best part of the old ethos. Moynihan's neocon comrades allowed their critique of social science to metastasize into a far more radical theory of policy-making: They lost faith in the ideal of progressive government altogether, treating policy-making as a brutal war of ideologies. Moynihan had good reasons to join them in this view. When he wrote his famous report on the black family for the Labor Department in 1965, the liberal social science community blasted him for encouraging "a new form of subtle racism," as the Harvard psychologist William Ryan put it in *The Nation*. But, as much as this rebuke wounded, Moynihan couldn't bring himself to endorse a sweeping critique of the New Class. Instead, he proposed an entirely different response to social science's shortcomings: to cling more tightly to the ideals of social science and the earliest spirit of *The Public Interest*. "The best use of social science is to refute false social science," he once quipped. For the rest of his career, he crusaded for creating conditions in government that allowed for better social science. His battles ranged from the relatively arcane (pushing for a more accurate Consumer Price Index) to the all-encompassing (railing against government secrecy, which he argued "hugely interfer[es] with the free flow of information" upon which sound analysis depends). As inadequate as he found social science, he considered the alternative—a rejection of empiricism—more frightening.

In other contexts, conservatives have been just as eloquent in denouncing the onslaught of relativism and ideology. Describing the attitude of the professoriat, Lynne Cheney wrote in a 1995 column: "As they saw it, the traditional scholarly mission—the pursuit of truth—was a task that only the naïve or duplicitous would undertake, because truth does not exist. What we think is true is merely a construct, a creation that the powerful impose on everyone else. The intellectual's obligation is thus to construct new versions of truth to achieve social and political goals that have gone unmet." She's right, of course, to decry and resist this pervasive relativism; empiricism deserves preserving. But, if it's worth defending in the classroom, why do her husband and his colleagues in the administration value it so little in pursuit of the national interest? ■

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# BOOKS & THE ARTS

## STANLEY KAUFFMANN ON FILMS

# Changing Lives

MASSIMO GIROTTI WAS A sterling actor, handsome, magnetic, genuine, so attractive that it sometimes diverted attention from his artistry. He died in January 2003, at the age of eighty-four, and his last film, dedicated to him, has just arrived here, thus offering a chance to toss a flower toward his memory.

**FACING WINDOWS**
(Sony Pictures Classics)

**THE INHERITANCE**
(Cinema Guild)

Many of Girotti's films were shown in the United States—he made 118 of them, including television work—but he may be best remembered here as the lover of Brando's wife in Bertolucci's *Last Tango in Paris*. Girotti worked with most of the great Italian directors through a great era of Italian film. He played important roles in (to name a few) Rossellini's *Un Pilota Ritorna* (1942), Visconti's *Ossessione* (1943, derived from Cain's *The Postman Always Rings Twice*), Germi's *In Nome delle Legge* (1949), Antonioni's first feature *Cronaca di un Amore* (1950), Pasolini's *Medea* (1969). As time went on, when Girotti appeared in a film, it was like seeing a living testament to a cultural era.

The dedication, "*a Massimo*," is what appears first on the screen in **FACING WINDOWS**, justly enough in any case because it is Girotti's performance that envelops the picture in a quasi-mystical atmosphere. The screenplay was written by Gianni Romoli and Ferzan Ozpetek, who directed. Ozpetek is a Turk who had his film education in Italy and has made three previous features. This new film deals with subjects, or at least approaches to them, that have not often been touched; and they register because, like all good art, much of what the film is about is left unsaid.

The first sequence takes place in Rome, in 1943. In a bakery a young apprentice is, for some reason, trying to get out of the place. His boss grabs him to stop him; the youth stabs the boss and escapes. Later we learn what the reason was.

Sixty years later, in fact. In modern Rome a young woman, Giovanna, is walking home one afternoon with her husband, Filippo, when they meet a man in his eighties, well-dressed, dignified (Girotti, of course), who holds out money to them. He is lost, he says, and will pay them to help him figure out where he is. They decline the money, and Filippo drives the man to the nearest police station. But the place is so crowded that Filippo has to bring him home for the night. Giovanna is nervous about having this odd stranger in their apartment with their two children, but he is so quiet, often so abstracted and always so well-mannered, that she is reconciled.

Giovanna, we soon see, is the center of the story: the old man is one of the forces that eventually affect her. Another is a young man who lives in an apartment across the way, whom she often watches from her kitchen window. The following evening after work, she is to drive the old man back to the police station, but she stops first to deliver some cakes that she has made for a neighboring café. (She has a job as an accountant, but baking is her avocation.) There she meets the young man who lives across the way—Lorenzo, as she learns—who tells her that the old man has just left her car. Lorenzo helps her to look for him; they find him sitting quietly, thoughtfully, beside one of those ubiquitous Roman fountains. Unwittingly, he subsequently leads them to a clue about himself.

Giovanna is solidly married, though she and her husband have a continual litany of bickering under their affection. She is discontent, however, not because of the bickering but simply from having lived for nine years in the same set of circumstances and feelings. Two catalysts have arrived to affect her. First, the old man, whose thoughtful comments about her avocation linger in her. When at last he finds his way back to his home and she traces him, she finds out that he is a master in his profession—a famous pastry chef who treats his work as a high vocation. (He was the youth of the opening 1943 sequence.) Urged by him, she follows her own gifts in this calling, which is treated, however peripheral it may seem to the world's gravity, as a locus for high standards. The second catalyst is Lorenzo, who, she learns, has been spying on her, too. He is in love with her, and she responds—almost. But his adoration of her apparently reminds Giovanna eventually of the value of her workaday marriage. The real windows in the picture's title are the openings these two men have offered her—not a startlingly original idea, but warmly enhanced by the director and the cast.

Ozpetek is an enriching director. More than a presentation of its contents, every scene seems also to be a distillation of the matters that led to it. He can take a somewhat worn device—moving the camera around his people as they talk—and make it savory: his circling of the dinner table when the old man has his first meal in Giovanna's apartment becomes a moment of communion. His handling of the fantasies when the old man's memories slip onto the screen is dreamily evocative.

Ozpetek, who has had theater experience, shows empathy and skill with his actors. Giovanna is Giovanna Mezzogiorno, who looks like a slightly more melancholy Debra Winger: she is immediately whole, a woman replete with a range of secret stirrings. Filippo Nigro as Filippo convinces that this shaven-headed feckless workingman is basically gentle and is, as his wife knows, a good father. Lorenzo, Raoul Bova, is exceptionally appealing in a non-vain way, and makes the character's longing for Giovanna a truth.

And there is Girotti. The man he plays, whose name turns out to be Da-

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# INSIDE THE KINGDOM: THE VIEWS AND PERSPECTIVES OF JOURNALISTS IN SAUDI ARABIA

## Behind the scenes and headlines of a closed society

**On June 8, 2004, a panel of journalists with firsthand experience in Saudi Arabia was assembled by *The New Republic* to discuss their experiences working in a society long closed to the press and the Western world. The panelists discussed the recent wave of terrorism that has been sweeping the Kingdom and the urgent need for a free and unfettered press. The panel also talked about the country's restrictions on women's rights, from their clothing to the right to work. While Saudi Arabia remains a monarchy with many limitations and restrictions, the panelists agreed that the country is undertaking historic changes. The following is an edited transcript:**

THE PANEL

**LAWRENCE WRIGHT**
Staff Writer
*The New Yorker*

**MARTIN PERETZ**
Editor-in-Chief
*The New Republic*

**DAVID E. KAPLAN**
Chief Investigative Correspondent
*U.S. News and World Report*

**DAVID MONTGOMERY**
Bureau Chief
*The Fort Worth Star-Telegram*

MODERATED BY

**LAWRENCE KAPLAN**
Senior Editor
*The New Republic*

**LAWRENCE KAPLAN:** We're lucky enough to have with us a number of journalists who have actually been to and reported from Saudi Arabia, and can help us pierce the veil, as it were, and perhaps clarify what it's like to report from Saudi Arabia and give us an update on current events there.

I'd like to start things off just by asking about the challenges of covering events in Saudi Arabia as a Western journalist, and whether those challenges are surmountable or not.

**LAWRENCE WRIGHT:** The most difficult thing about covering Saudi Arabia is just getting in, and I think that this policy is now being liberalized somewhat, and there's even some discussion about bureaus being opened there — that would be a tremendous change. When reporters typically go to Saudi Arabia they have no background in it; they don't know what they're expecting; they don't know who they're going to talk to. They have to make up their minds beforehand about what they're going to write about because they only have a week or so on their visas, and they simply don't have the time to get to know the country. Establishing bureaus in Saudi Arabia would make a terrific difference, I think.

**MODERATOR:** As a journalist are you allowed to travel freely throughout Saudi Arabia or is there some kind of government escort they have?

**WRIGHT:** I was never hindered anywhere I wanted to go, and of course I kept a low profile. I didn't check in with the Ministry of Information or anything; I've simply behaved as an ex-pat, and I had to arrange sometimes to get translators or drivers or things like that, but there was nobody looking over my shoulder, and I felt complete freedom to move around and talk to whomever I wanted to.

**DAVID E. KAPLAN:** What I have done is cover terrorism since — well, before 9/11, since the mid-'90s, when I was based in Tokyo and the subway commute I had was attacked with nerve gas by a crazy Japanese cult. I ended up writing a fair bit about that, and I've been writing about terrorism ever since. Saudi Arabia repeatedly came up with Khobar Towers, with the advent of al Qaeda, and then of course with 9/11 and subsequent events.

The more we looked the more we wanted to examine the strategic roots of the global jihad movement that we felt had spawned al Qaeda, and that meant finally going to Saudi Arabia. Getting a visa is not easy. There are no normal tourist visas for Saudi Arabia, for starters. They will give visas for the Haj, they will give business visas, but they don't have tourists in the traditional sense. So it was helpful being here in Washington and actually being able to go to meet with people at the embassy and explaining who we were and what we wanted to do. And I think things had begun changing — this was last fall. After last year's May bombings I think it came home to Saudi officials that they were indeed in a dire situation and needed to take action on various fronts. One of them was



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letting more Western press tell the story. And they have an important story to tell.

I was very interested in telling that story and tried to communicate that. The problem was here in Washington they promised the world and in Riyadh they delivered almost nothing, and it's an experience not just that I've had but that lots and lots of my colleagues have had. Once we get there, none of the interviews seem to come through and you're sort of left on your own.

Fortunately I was left unhindered, and through personal contacts, through other journalists, through the embassy, I was able to make some contacts, but you really do have a short period of time. I had one week there, and it's such a complex society. You know, it's not just one culture; it's a whole series of cultures, a series of levels of modernization, and you can't make sense of that in a few days.

**MARTIN PERETZ:** I went to Saudi Arabia 10 years ago and I spent about 10 or 12 days. I went under the most favorable circumstances. I and five or six other people were guests of Prince Bandar and this remarkable man who you see on television all the time, Adel Al-Jubeir, and we had all of the doors opened for us. Lawrence asked me what were the auspices, what were the reasons for my going, and I think this came at a moment, a rather short moment, when various Arab countries were opening up Jewish portfolios. They wanted to see Zionists in the flesh. And I don't mean this derisively. I think it was a progressive moment.

For people unaccustomed to having guests like us, there was a startling degree of candor, and it was one of the most memorable trips in my life. It was very exotic, and at the same time cognitively dissonant. For eight days I did not see a woman's face. That's a cognitively dissonant experience.

**D. KAPLAN:** What I found telling on the visa forms — it not only asks for your religion, it asks what sect you are. I assume it's to keep out the Shi'ite and Sufi riffraff, as opposed to Hasidics or Christian Scientists — I don't know.

**DAVID MONTGOMERY:** (*Live from Saudi Arabia via Teleconference*) First of all, there's the bureaucratic system — dealing with the Ministry of Information — and that's kind of a double-edged sword in a way. In some ways I found them helpful if you need to put in an interview request, and in some cases it's one of those "hell-freezes-over" things; you never hear from anybody. But on the other hand, they can't open the door too far.

I think [Saudis are] afraid of authorities. And it could be more complicated than being afraid. It could be a cultural thing, it could be just, in a lot of cases, being unaccustomed to dealing with journalists, both foreign and domestic.

**MODERATOR:** Lawrence, what's your take on the source of the reluctance, because I never thought of Saudi Arabia [as] a place where one assumes that individuals in the street necessarily have to fear Western reporters or the repercussions of speaking with Western reporters.

## David E. Kaplan: "SAUDI ARABIA IS NOT JUST ONE CULTURE; IT'S A WHOLE SERIES OF CULTURES."

**WRIGHT:** The Saudis are a very cautious people by nature — reluctant to assert themselves. It's not highly valued [culturally] to have a person be very assertive and out in front. I would say there are two levels of reluctance. One is that there is a certain fear of repercussion that's undeniable, and yet it's unclear to any Saudi that I know where the exact lines are, because there's an ambiguity about what you're allowed to say and what you're allowed to print that's maddening. And I found even working with young reporters at the *Saudi Gazette*, they had more freedom than they were willing to use.

There was no one from the government saying, "You can't write about this." Certainly there were areas where that would have happened, but there were other areas where there was this internal caution that seemed to be very cultural and self-imposed.

**PERETZ:** I, for example, noticed a tremendous difference between the essential culture of Jeddah and Riyadh. Jeddah is a seaport town. It's the difference between Marseilles and Paris. You look at the faces and they come from many races in Jeddah. There were people who talked quite openly about issues of family life. I was sitting next to someone who I'd known years and years ago at Harvard. I asked him about his children, and he said, "I have four daughters." He said he's called an *abu el banat*, a "father of daughters," which he says carries a derisory connotation of having sexual malfunction.

And then he got into a completely candid discussion about the place of girls in Saudi Arabia, and he prophesied one of the crises that would come. He said, our young women are now getting educated and there is not yet a natural structure for them to use their education. And, he said, this is going to be one of the tense issues in the future.

**MODERATOR:** That gives me an opening to ask about the broader questions of reform beyond the press. There's been a lot of talk lately about local council elections, improving textbooks, and so on and so forth. I have an article from the *Washington Post*, [wherein] Prince Nayef, the Saudi interior minister, in a meeting with several leading reform voices in the Kingdom, he called them "agents of America." So, obviously, there's movement in both directions.

**MONTGOMERY:** These days I almost think you have to see everything through the prism of this seemingly unstoppable wave of terrorism that's been gripping the country for the past year. It might have distracted the push for reform, which I kind of consider sort of weak and fragmented anyway. I mean, whenever you talk to liberals — writers, essayists — they readily admit that they're outnumbered [and] that their voices are sort of overwhelmed, particularly with this big cloud of terrorism that seems to hang over everything.

**D. KAPLAN:** It's clear there's a major battle going on that has a number of fronts: against terrorism, for reform, for control of Wahhabism, for control of the educational system, for women's rights and so forth. One of the things that I worry about is that we're closing the gates to Saudis here. In our zeal to protect the homeland, fewer Saudis are coming here to study, and some two-thirds of the advisory Shura Council have U.S. educations, and it's a major force



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for reform in the country. It's one of the things of real concern.

As our relations have been stressed, in some cases for very good reasons, it's also dampening the exchange that needs to go on between our two societies. And when you visit the U.S. embassy in Riyadh and you see how isolated the Americans are from the rest of that society, it's a real cause for concern. They don't get out into the community. They don't have good sources in Saudi society by and large. And I don't know where our intelligence is coming from.

**WRIGHT:** Reform is a constant subject of discussion in the Kingdom. Now, when we say "reform," there's a lot of different things that come under that subject. Education is one of the things that we're always talking about. There's no question that the Saudi educational system is undergoing reform and, to some extent, that's because of the American push. There are several areas that could make a real difference in Saudi Arabia. One is it used to be that Mecca was a center of learning and teaching for all four branches of Islam, and if that could be returned, if Mecca could become an international center for all branches of Islam, that would make an immediate difference in the way that the tolerance of the Kingdom is perceived by other forms of that religion that are not allowed to practice there now.

**PERETZ:** That's a pretty radical jump, though.

**WRIGHT:** Well, it's a radical jump, but it has roots in tradition. It was taught there. Other branches of Islam had the freedom, at that time up until the '30s, to speak and preach in Mecca.

I'm deeply biased about this, but the press could be so much more useful in Saudi Arabia if it were free. If you don't have a free press you're blind to what's really going on in your society. I don't care how sophisticated your interior ministry is, the press is a way of taking the pulse of the people.

Let's start with just the sheer economics of having [approximately] 95 percent of women unemployed. No modern nation can expect to prosper, no matter how much oil they might have, when half their population is cut off from the workplace. Now, recently the government has decreed that women shall be permitted to work, and this is a huge change. I hope it's followed through.

**PERETZ:** First of all, there is no single rational actor in any government. We know that in the Iraq War we had a policy at the State Department and we had a policy at the Defense Department. We had a policy at the National Security Agency. We had a policy at the CIA.

We've had two models of rule in the Arab Middle East. One is the old monarchies — Morocco, Saudi Arabia, Jordan, Iraq up to 1958 — and Iraq aside, these countries have been rather softer toward their populous than the other model, which are the revolutionary republics — post-'58 Iraq, Baath Syria, Algeria, which was supposed to be the crown in the jewel of the Third World. I mean, look at what it has become. So one has to weigh what the alternatives are in a place like Saudi Arabia.

**Martin Peretz:**
**"FOR EIGHT DAYS I DID NOT SEE A WOMAN'S FACE."**

Now, of course, Saudi Arabia needs to engage in reform, but it can't be straight away into the democratic model. I had an experience at the University of Riyadh. We were in the library and Fouad Ajami takes me to the catalog, which is in English. And he looks up "Ajami," and there's a book by his brother about Arab oil, but there's no book by [Fouad Ajami]. That is, [the books] "The Arab Predicament" is not there, "Beirut City of Regrets" is not there and "The Vanished Imam" is not there. And that boggled my mind. I mean, here's one of the most distinguished Arab scholars in the world — you may have political differences with him, but he's a force to reckon with.

**MODERATOR:** I'd actually like to move on to the question of terrorism briefly. David Montgomery, that's the beat you're covering now?

**MONTGOMERY:** Yeah, in fact, that phone call that I got [informed me that an] American [had just been] killed, so I'm probably going to have to go report that in a little bit. But, yeah, it is — I've been over here four times and it just doesn't seem to stop. The Saudi security forces have raised what you'd have to say is a concerted tough crackdown on them, but this loosely knit federation of al Qaeda cells [has] remarkable resilience. When one leader's taken out, they reinvent themselves and come back and are more lethal and deadly and ruthless than before.

The mood here is really one of "hunker down." Nobody knows when the terrorists are going to hit again, but it's undoubtedly presumed that they will. And that has a lot of effects. It has created this almost kind of dispirited mood among expatriates, and probably Saudis, too. When [terrorist attacks] first started happening a year ago, there was a presumption that the Saudis were going to be able to control this. They haven't. It continues.

I guess on a broader level, it's also American companies [that] are vital to shoring up Saudi investment and helping the Saudi government diversify beyond its oil-based economy. I mean, [American companies are] taking a real hard look at, hey, do we want to stay here and risk an attack on our infrastructure, on our personnel?

**MODERATOR:** [Is] the [Saudi] government really intent on cracking down widely and absolutely on not just the terrorists themselves, but the charities and networks behind them?

**D. KAPLAN:** It's certainly a key question now. Virtually every official in Washington that I've interviewed on this subject — and that's quite a few over the last year — says there's been a change in Saudi cooperation with the U.S. and other allies in the war on terror. Things really have changed. There are working groups on the ground in Riyadh that are exchanging intelligence at both the tactical and strategic level.

Things really have changed since al Qaeda and its minions began attacking within Saudi Arabia. I think the Saudi leadership got the message loud and clear, [that they must] root out these terrorist cells. What I worry about is both Riyadh and Washington getting the broader message that this is much more than a tactical struggle. That there is an ideological war within Islam and the Saudis are at the base of this.

Now, we knew that other ingredients for



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this perfect storm of Islamic radicalism were present in the '90s. We knew there were these thousands of Muhajadeen that graduated from camps in Afghanistan. What was missing was the money, and that's what came out of the Gulf, and that's what came particularly out of Saudi Arabia. And even the Saudis are finally owning up to this but, as Lawrence said, this is not a culture where you confront things head on, and so a lot of this has been done through side and back doors.

**WRIGHT:** [Columnist] Tom Friedman [recently wrote] about the shootings in the Oasis Compound and [noted] how the terrorists were going door-to-door asking for Americans, and he laid the blame for that on the Saudi educational system. And I think that the educational system does bear some responsibility, but I think it's a little simplified to think that the educational system leads directly to terror. One could easily say that if education systems had that kind of power, everybody who went to Catholic school would still be Catholic, [and] Russia would be full of communists. And there's certainly an influence that education has on the formation of people.

I fear that Saudi Arabia is in danger of falling into a very dangerous isolation, and that's exactly the goal of the terrorists, to drive out the Americans, to drive out the foreign workers, to separate Saudi Arabia from the rest of the world. It's already very separate. Any further isolation, I think, is really dangerous.

Now, there are other things that generate this kind of terror, and they're a little hard to put your finger on, but I think one of them is boredom. It's boring in Saudi Arabia if you're a young person and you can't talk to girls. You're a young man, you're not very socialized, you don't have very much to do.

I think for our part — speaking as an American sympathetically — you can't bully people into behaving the way you want them to. We have to be sympathetic. It's going to be a really difficult relationship for a long time, and that's another reason why the press has such [an important] role to play. Most Americans are going to be leaving this country. Our only link will be through the reporters that we are able to send over there, and it'll help them — it'll help us — to know what's going on.

***(Moderator turns to the audience for questions)***

**QUESTION:** Absent many American reporters on the ground, how is the American public to glean accurate information about what's going on inside the Kingdom?

**MONTGOMERY:** I basically think it calls for a greater American news presence [in Saudi Arabia]. There's a Reuters reporter who's here full time now. His bureau opened about a year ago. I come back and forth. [The] Associated Press [has] a reporter in Bahrain. I think it's almost incumbent on American news media to pay greater attention to this, particularly with everything that's going on.

**QUESTION:** The Saudi ambassador to the United States, Prince Bandar, wrote a pretty unique editorial in *Al Watan* [that] was basically a charge to the Saudi people to stand up to terrorism. How effective do you think that charge will play with Saudis, and [to] what do you attribute the silence of the majority with regard to terrorism in the Kingdom?

**Lawrence Wright:**
**"SAUDI ARABIA IS IN DANGER OF FALLING INTO A VERY DANGEROUS ISOLATION."**

**D. KAPLAN:** I thought it was an extraordinary call to arms, and hope that it's part of a real debate among Saudi leaders about what I'm referring to as this ideological struggle. This is about so much more than a handful of terrorist attacks on foreign compounds. I mean, this is the beginning of a very long struggle, I think.

**WRIGHT:** I was fascinated by Prince Bandar's call to jihad, which is exactly the way he phrased it. I mean, it was a mirror-image bin Laden. I don't know what to make of it. I read it and I thought, maybe this is the way to attack extremism, but it seems [to be] an extremist way to attack it. As a rallying cry, it may be a good thing, but I am scratching my head over what I think about it.

**QUESTION:** Mr. Wright mentioned boredom as a driving factor of terrorism in Saudi Arabia, but to what extent do you think frustration with U.S. foreign policy — particularly the Arab-Israeli conflict, the war in Iraq and also our support of undemocratic regimes in the region — play a factor in terrorism?

**WRIGHT:** I think they play a factor in directing attention at the U.S. I think there are a lot of countries that are opposed to our policies that don't engage in terrorism. If the Israel-Palestinian situation were peacefully resolved it would certainly defuse a lot of international tension, not just in Saudi Arabia or in the Arab world, but all over the world, and I think it should be done for those reasons. But I think that terror comes out of the cultures that produce them. I don't think it comes from external causes.

**PERETZ:** I think the Israel-Palestinian conflict is just a scapegoat in this issue. The Saudis have never been at all friendly to Israel. They don't have relations with Israel. And, in fact, in their universities they don't study Israel. It's as if it's a terrible thing, but it also doesn't exist. I would doubt that there is a strategic thinker — even a hostile strategic thinker — in Saudi Arabia who thinks about Israel. It's a phenomenon that somehow can't be grasped.

I believe, actually, that in some way the security of Saudi Arabia depends on Israel, not that Israel is ever going to send troops to help the monarchy, but it tames certain wilder forces in the region.

**MODERATOR:** Thank you for indulging all these problems. I'd like to thank everybody for a very interesting and extremely sobering discussion.

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vide, seems to come to us through a long, shadowy arcade of years. His mind occasionally becomes misty because of that journey. We learn two facts about him that illuminate: one explains the opening murder sequence, the other explains his air of hauntedness. Girotti has the gift to make Davide's past part of the present. When he sits staring into space, it is like stilled music.

*A Massimo*, indeed.

A Danish film called **The Inheritance** is new but feels like a retrieval from the 1920s. The screenplay, by the director Per Fly and three others, is original but seems like an adaptation of, say, Arnold Bennett. Once we learn the story's terrain, we have a pretty good idea of the paths it will follow. Still, because the picture is tidily directed and acted—in one case, better than that—it has the comforts of well-made old things. A Danish steel magnate named Christoffer is in Stockholm and sends a (false) message to his wife in Copenhagen that he must stay another night on business. He then goes and sits on a park bench looking up at an apartment window. (Once again a question is set at the beginning that the film proceeds to answer.)

We slide back five years. Christoffer is married to a Swedish actress, Maria, happy in Stockholm. His father, head of a steel plant, dies, and Christoffer, after trying to avoid it, must move back to Copenhagen to take over the business. In time this move inevitably affects his marriage and his character. The theme is less a conflict between money and love—Christoffer is not greedy—than social circumstance impinging on free will.

Moment after expected moment flows by like turning the pages of a magazine that one read long ago. Everything is adequately done—in two languages, I assume, Danish and Swedish. But there is one extraordinary presence: the young Swedish actress Lisa Werlinder as Maria, who enchants from the first moment. This is Werlinder's fifth film. She is a graduate of the Swedish Theater Academy and has already been directed by Ingmar Bergman in the theater. With radiance, charm, talent, she sparkles among the competent Danes. ■

# Robert Brustein on Theater

# Forty Million Frenchmen

THE TWO SHOWS UNDER REview this month—the death, funeral, and canonization rites of Ronald Reagan, and the 2004 Tony award ceremonies—both prove Bernard Shaw's definition of popular democracy as a system "that substitutes election by the incompetent many for appointment by the corrupt few." That our countrymen could have elected this good-natured, engaging, but utterly inconsequential B-movie actor to two presidential terms is commentary enough on the weakness of the democratic electoral process. But to hear pundits and pollsters claiming that Reagan should now be considered one of the great presidents of history, below only Abraham Lincoln and John F. Kennedy (FDR apparently having dropped down a memory hole), is to enter the realm of the preposterous, if not the occult. Yes, his genial smile and crinkly quips made everyone feel good about themselves, except those afflicted with such un-American disorders as homelessness, minority status, and AIDS. Yes, he presided over the end of the Cold War and the disintegration of the "evil empire." But didn't Gorbachev, glasnost, and perestroika have a bit to do with that development as well? The real legacies of the Reagan years are harebrained technological stunts such as Star Wars, clandestine adventures such as the Iran-Contra affair, tax cuts for the rich masquerading as economic restoratives, and pre-emptive strikes against such menaces to democracy and world peace as Grenada. Sound familiar? Our hearts go out to Nancy Reagan and her family, but let's not give away our brains as well.

I suppose one of the by-products of the George W. Bush administration is that, by comparison, Reagan suddenly seems worthy of a place on Mount Rushmore. I understand there is also a move afoot to put Reagan's face on the ten-dollar bill instead of Alexander Hamilton's, which is tantamount to replacing a fiscal prodigy with a corporate ventriloquist's dummy. Reagan has often been called the Great Communicator. More accurately, he was the Great Announcer. This is unquestionably the first time that a politician who was essentially a Voice Over (he read prepared policy speeches with the same twinkly conviction with which he once read commercial copy for General Electric) has been awarded such an exalted place in history. Next we'll be stamping the face of Westbrook Van Vorhis (former commentator for the "March of Time") on the quarter and the face of James Earl Jones (the sonorous voice of Verizon) on the dime. Perhaps we should put Reagan's face on the penny and then, as William Safire recently proposed, discard that useless coin altogether.

To segue from a show-business presidency to a show-business ceremony, it's time for my customary jaundiced look at the recent Tony awards. Despite its lip service to plays, this annual orgy of self-congratulation is always about the Broadway musical, and even more so today, when the commercial theater is originating so little new drama. In the opening moments, the master of ceremonies, Hugh Jackman, led the casts of all of the musicals nominated for awards, including some shtetl Jews from *Fiddler on the Roof*, through a rousing chorus of Elton John's "One Night Only." The only suspense of the evening was waiting to find out whether *Wicked* or *Avenue Q* would be less inappropriate for the coveted prize.

I suppose it is a sign of Broadway's creative bankruptcy that *Avenue Q* ran away with all the musical honors, being touted as an experimental breakthrough on a level with *Rent* or perhaps *The Rise and Fall of the City of Mahagonny*. In his acceptance speech, one of the producers gushed, "Thank you, Broadway, for voting your hearts." But the ticking of Broadway's heart has always been synchronized with the clicking of its cash register, and it did not escape notice that *Avenue Q* was a box-office phenomenon that returned its initial investment in record time. (Confirming a suspicion that this show's heart is in the till, the producers recently announced that they are forgoing the customary road tour for an open-ended run in Las Vegas.)

The common wisdom is that *Avenue*

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*Q* became a sentimental favorite because it originated in an Off-Broadway house. But so did the infinitely more deserving Tony Kushner work *Caroline, or Change*, which managed to collect only a single Tony (for best supporting actress in a musical), though it was the product of an infinitely more accomplished writer and lyricist, one who actually had something complicated to say about racial relationships in the South. Having escaped from *Avenue Q* at the first intermission, I suppose I'm in no position to pour too much bile over it. But the little I saw of this terminally cute, unbearably cuddlesome rip-off of *Sesame Street* convinced me that there are a lot of grownups out there who still are nostalgic for Big Bird and Frosted Flakes, though there is more pith and grit in the brief exchanges of Bert and Ernie than in all the "full puppet nudity" and gay banter of *Avenue Q*. I was left with the conviction that people wielding hand puppets deserve the same fate as those practicing mime—namely, exile to a Pacific atoll where they can be observed by no one but the local fish.

*Avenue Q* (featuring such deathless ditties as "It Sucks to Be Me" and "Everyone's a Little Bit Racist") purports to be about the human encounters of a multicultural neighborhood. Translated into show talk, this means lessons in the fact that American society includes people of every sexual inclination, ethnic identity, and political persuasion, and isn't that wonderful and inspiring and irritating, all at the same time? It's not diversity that I find annoying. It's the way the theater continually celebrates its celebration of it. The liberal self-infatuation one encounters among theater people, ever since Rodgers and Hammerstein undertook to lecture us about racial tolerance with "You've Got to Be Carefully Taught," is suffocating. The same problem afflicted the Tony ceremonies as a whole, in which people were trotted out on stage less on the basis of talent than according to some preconceived patterns of ethnic, racial, and gay representation.

A more nettlesome problem is that so few of the Tony presenters or entertainers had anything whatsoever to do with theater. Hugh Jackman, previously known for such such heavy-breathing movie roles as Wolverine in *X-Men*, was a surprising exception. As emcee, he moved as gracefully between the winners and the audience as he now does between stage and screen or between acting, singing, and dancing. This engaging Australian, himself a Tony winner for his performance as Peter Allen in *The Boy From Oz*, embodies the kind of charm, guilelessness, and decency one used to see in American faces before the brutalizing wars of Vietnam and Iraq. Indeed, the few people on the stage of Radio City Music Hall associated with the legitimate theater were generally aging and graying icons. And when they had to haul out Carol Channing—the ghost of Broadway past, groping her way to the podium in her oversize shades and stretch-limo smile—it was clear that genuine theater luminaries were in very short supply. Typically, she was introduced by a rapper, LL Cool J, who, one suspects, had never seen her act or sing, or even heard her name before he read it on his Teleprompter.

What the Tony producers gave us instead of stage actors were the stars of Hollywood, television, and hip-hop—such as Mary J. Blige, wearing a blazing red dress, blonde wig, huge earrings, and arm tattoos, who sang "What I Did for Love" (the ballad from *A Chorus Line*), in a version that wrenched the song into pizza dough. Other presenters included media personalities who had possibly never even seen the inside of a theater, much less acted on a stage, though Sean Combs at least had the courage, however foolhardy, to make a stab at performing this season. Playing Walter Lee Younger in *A Raisin in the Sun* with only a few weeks of basic training in stage acting, he was lucky enough to be supported by a highly accomplished cast, including Tony winners Phylicia Rashad and Audra McDonald. Director Kenny Leon's production was strong enough to survive a big hole in its midriff. But people came to see Puff buff his duff rather than fluff his stuff. He is currently attracting huge throngs to the Royale Theater, all of them apparently indifferent to his bad notices and sullen comportment.

Like Broadway itself, the Tonys are apparently trying to attract a new audience with these hip-hop luminaries, though it is not a promising sign that the television audience declined by two million compared with last year. It is one thing to bring on movie stars who have actually had some stage experience, such as Ethan Hawke and Nicole Kidman. It is another thing entirely to make the Tony awards indistinguishable in their celebrity exploitation from pop-culture spectacles such as the Grammys or the Oscars, which slights the dwindling number of artists who have dedicated their lives to the theater. Jack O'Brien, accepting the award for director of best revival of a play for his handsome, if generally inconsequential *Henry IV*, generously tried to salute such people in his acceptance speech, saying that he had spent his entire life as part of a company, and adding that "a lifetime of service in an American regional theater is not a bad place to begin."

But a lot of the other speeches were so drenched in tears that you couldn't hear the words over the blubbering. It seemed no accident that most of the commercial breaks advertised pills for constipation and acid indigestion. (In one, Jason Alexander unconsciously parodied Tony acceptance speeches when he sang, "I love you for loving me.") As usual, many awardees grabbed the opportunity to name virtually every member of their family and all their friends, when they weren't thanking God, their producers, their agents, and their colleagues, or suggesting, while clasping the gold medallion tightly to their bosoms, that the award actually belonged to somebody else. The most dignified acceptance speech was given by Brian O'Byrne, best supporting actor for *Frozen*, affirming that "there is no such thing as competition between

## Hearts

To a god, we must look like nasturtium buds,
arrowed clockwise, lipstick-pursed,
our snake-stems grabbing legs, hosting slugs.

Then that god strikes time. We open, get a buzz.
We're orange, we're red, we're spice, we spin.
We're spent. Yet one or two keep dazzling us.

With no defense but openness, they bloom on, win
with no cause visible. Bees visit
them, slime-silvered, aphus-laced, sun-shined, again

and again.

**MURIEL NELSON**

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actors" and crediting his playwright for giving him "the best part on Broadway." It was refreshing to hear someone actually say something respectful about an actor's calling.

Two of the most deserving awards went to Doug Wright for writing *I Am My Own Wife* and Jefferson Mays for acting in it. Since Mays plays more than forty parts in this one-person show, I was reminded of Jack Kennedy's comment about the actor's namesake, during an evening at the White House for artists and intellectuals, to the effect that there hadn't been as much talent in one room since Thomas Jefferson dined alone. Well, there hasn't been as much talent on stage lately since Jefferson Mays acted alone. If the theater is going to survive, it is multi-talented artists like Mays who will help to save it.

If the theater is going to disappear, on the other hand, it ought to go down with some grace and dignity, and a little more pride in its history and its heritage. The presentation of the Tony awards is driven by the same kind of expedient mentality that you find in drama schools these days, where graduating acting students, after years of training in roles from Aeschylus to Shakespeare to Chekhov, are forced to prepare a "showcase" for casting directors and actors' agents consisting of scenes from television shows like *Sex and the City*. Yes, I know the voice of the people is the voice of God, but to judge from recent polls and votes, both voices seem to have gotten a little hoarse these days. Or again to quote Bernard Shaw, still the best authority on the taste of the majority: "Forty million Frenchmen can't be right." ■

*Randall Kennedy*

# Schoolings in Equality

## What *Brown* did and did not accomplish.

SIMPLE JUSTICE: THE HISTORY OF *BROWN* V. *BOARD OF EDUCATION* AND BLACK AMERICA'S STRUGGLE FOR EQUALITY
By Richard Kluger
*(Alfred A. Knopf, 865 pp., $45)*

FROM JIM CROW TO CIVIL RIGHTS: THE SUPREME COURT AND THE STRUGGLE FOR RACIAL EQUALITY
By Michael J. Klarman
*(Oxford University Press, 655 pp., $35)*

I.

ON MAY 17, 1954, THE SUPREME Court announced its decisions in *Brown* v. *Board of Education* and *Bolling* v. *Sharpe*. *Brown* is the title given to a group of lawsuits that challenged segregation in Kansas, South Carolina, Virginia, and Delaware. In Kansas, a state law permitted cities of more than fifteen thousand persons to maintain separate school facilities for Negro students and for white students. In the other three jurisdictions, state statutes and constitutions required racial separation in schooling. In all four cases, state court judges and lower federal court judges upheld the legitimacy of racial segregation under the federal constitution. They believed that separating people on the basis of race posed no constitutional problem so long as officials provided equal facilities to those whom they separated.

The key case that validated the "separate but equal" formula was *Plessy* v. *Ferguson*, which was decided in 1896. The Supreme Court held in *Plessy* that the federal constitution permitted Louisiana to require whites and colored people to occupy "equal but separate" railroad cars. The colored litigant in the case argued that even if racially separated railway cars were equal in terms of their tangible qualities, the very act of racial separation imposed an illicit, caste-like stigma on colored people. Rejecting this argument, the Court asserted that if segregation stamped the colored race with a badge of inferiority, "it is not by reason of anything found in the [law], but solely because the colored race chooses to put that construction upon it." Numerous

*Randall Kennedy is a professor at Harvard Law School.*

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courts echoed this refrain. Separate but equal segregation, the argument went, did not represent an invidious discrimination. True, pursuant to segregation laws blacks might be prevented from interacting with whites on trains, in prisons, in marriage, or in schools; but whites were similarly prevented from interacting with blacks. Whites and blacks were thus subject to the same law and to equal treatment.

Decades later, the lower courts in the *Brown* cases uniformly re-affirmed the validity of segregation, but they reached different conclusions regarding whether authorities had failed the equality aspect of the "separate but equal" formula and, if so, what appropriate remedies should ensue. In the Kansas case, a lower court ruled that while segregation had a detrimental effect on Negro children, the black petitioners were entitled to no relief, because the colored schools and the white schools were substantially equal in terms of tangible endowments such as facilities and teacher qualifications. In South Carolina, a lower court found the Negro schools to be inferior to the white schools and ordered officials to begin equalizing facilities; but the court refrained from ordering the admission of blacks to white schools even temporarily during the period of the judicially mandated equalization process. The same occurred in Virginia. In Delaware, the story was somewhat different. There state court judges found inequalities between white and colored schools and ordered that colored students be admitted immediately to the white schools, though they also indicated that the state might be able to revert to segregated schooling after equalization was accomplished.

THE FIRST SUBSTANTIVE ISSUE that the Supreme Court considered in its *Brown* opinion was whether, as originally understood, the Fourteenth Amendment prohibited racial segregation in public schooling. The justices concluded that the historical record was inconclusive. Given the prominence of what we now call originalism—the idea that judges ought to interpret constitutional texts by reference to the original intent of the texts' Framers—this aspect of *Brown* warrants special attention. By addressing first the question of the Framers' intent and suggesting that a clear answer would be important, if not decisive, the Court reinforced the authority of originalism in constitutional interpretation. But by finding inconclusiveness in a record that strongly suggests that most of the central backers of the Fourteenth Amendment did not mean to prohibit segregation in schooling, the Court signaled, thankfully, that it would not be shackled by the specific racial views of men long dead.

In an op-ed piece that appeared in *The New York Times* to commemorate the fiftieth anniversary of *Brown*, Justice Stephen G. Breyer declared approvingly that in the school desegregation opinions Chief Justice Earl Warren and his colleagues had finally read the Fourteenth Amendment "as the framers who wrote [those words] immediately after the Civil War meant them to be read, as offering the same protection to citizens of every race." But if this were true, how does one explain, among other things, the Fifteenth Amendment, which expressly prohibits the states from excluding people from the franchise on a racial basis? Contrary to what Justice Breyer claims, and contrary to what the *Brown* Court insinuated, most of the Framers and the ratifiers of the Equal Protection clause of the Fourteenth Amendment surely did not intend or foresee that their handiwork would be invoked to prohibit racial segregation in public schooling.

After examining the history of the Fourteenth Amendment, Justice Warren steers the *Brown* opinion to a confrontation with the Supreme Court's own prior case law regarding the "separate but equal" doctrine. Here again Warren shrugs off the confining grip of history. "We cannot turn the clock back ... to 1896 when *Plessy* v. *Ferguson* was written," he declares. "We must consider public education in the light of its full development and its present place in American life.... Only in this way can it be determined if segregation in public schools deprives these plaintiffs of the equal protection of the laws." Distinguishing the place of public education in earlier times from its place in the middle of the twentieth century, Warren observes:

> Today, education is perhaps the most important function of state and local governments.... It is required in the performance of our most basic responsibilities, even service in the armed forces. It is the very foundation of good citizenship. Today it is a principal instrument in awakening the child to cultural values, in preparing him for later professional training, and in helping him to adjust normally to his environment. In these days, it is doubtful that any child may reasonably be expected to succeed in life if he is denied the opportunity of an education. Such an opportunity, where the state has undertaken to provide it, is a right which must be made available to all on equal terms.

AND THEN WARREN ASKS THE great and urgent question: "Does segregation of children in public schools solely on the basis of race ... deprive the children of the minority group of equal educational opportunities?" He answers in the affirmative, apparently relying on two considerations. First, alluding to its most recent school segregation decisions, he notes that the Court had begun to take into account more than the tangible attributes of institutions and services in determining whether educational opportunities were being allocated equally to whites and people of color. Second, he avers that the very act of separating colored pupils from their white peers hurt them socially and psychologically: "To separate [Negro children] from others of similar age and qualifications solely because of their race generates a feeling of inferiority as to their status in the community that may affect their hearts and minds in a way unlikely ever to be undone."

The Court embraces as "well stated" the factual finding of a lower court that had observed that "segregation of white and colored children in public schools has a detrimental effect upon the colored children ... for the policy of separating the races is usually interpreted as denoting the inferiority of the negro group. A sense of inferiority affects the motivation of the child to learn. Segregation with the sanction of law ... has a tendency to [retard] the educational and mental development of negro children and to deprive them of some of the benefits they would receive in a racial[ly] integrated school system." Declaring that this finding was amply supported by "modern authority," Warren cites in a footnote—the famous footnote 11—a list of psychological and sociological studies, including Kenneth B. Clark's "Effect of Prejudice and Discrimination on Personality Development" and Gun-

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nar Myrdal's *An American Dilemma*. He then expressly states that "any language in *Plessy* v. *Ferguson* that is contrary to this finding is rejected." Although Warren has been harshly criticized by many observers for "relying" upon dubious, or at least controversial, social-scientific studies, his opinion discloses no such reliance. His reference to Clark and the others was supplementary, an extra-legal confirmation of his legal conclusion that "in the field of public education the doctrine of 'separate but equal' has no place. Separate educational facilities are inherently unequal."

THE COURT'S OPINION IN *Bolling* v. *Sharpe* addressed the constitutionality of segregation in the District of Columbia. The Court dealt with this case separately because, unlike the controversies in *Brown* that arose from segregation by states, the controversy in *Bolling* arose from the imposition of segregation by the federal government. In *Brown*, the plaintiffs charged that segregation violated the Fourteenth Amendment. But the Fourteenth Amendment applies only to states: "No state shall ... deny to any person within its jurisdiction the equal protection of the laws." So the Negro plaintiffs in *Bolling* invoked instead the Fifth Amendment, which provides in pertinent part that "no person shall ... be deprived of life, liberty, or property without due process of law."

In response, Warren altogether ignored the originalist question that he skirted in *Brown*. After all, it is certainly implausible that the Framers and the ratifiers of the Fifth Amendment meant to prohibit racial discrimination in public schooling. Working in the late eighteenth century in a polity pervaded by racism, the architects of the Bill of Rights disclosed no desire to impose upon the federal government requirements of racial neutrality. But still Warren forges ahead. Maintaining that while "equal protection" and "due process" are not interchangeable phrases, he adds that both stem "from our American ideal of fairness." He then declares that racial segregation is presumably illicit because "classifications based solely upon race must be scrutinized with particular care, since they are contrary to our traditions and hence constitutionally suspect." More, he asserts that the racial classification at issue is not just presumably illicit but actually unlawful:

> Liberty under law extends to the full range of conduct which the individual is free to pursue, and it cannot be restricted except for a proper governmental objective. Segregation in public education is not reasonably related to any proper governmental objective, and thus it imposes on Negro children of the District of Columbia a burden that constitutes an arbitrary deprivation of their liberty in violation of the Due Process Clause.

And for good measure Warren adds that, in view of *Brown*'s prohibition of state-enforced racial segregation in public schools, "it would be unthinkable that the same Constitution would impose a lesser duty on the Federal Government."

At the end of a court decision in which plaintiffs prevail, the tribunal usually announces the relief to which the plaintiffs are entitled. In *Brown* and *Bolling*, however, the prevailing plaintiffs were told that owing to the wide applicability of the rulings and the variety of local conditions to which the rulings would be applicable, the Court thought it


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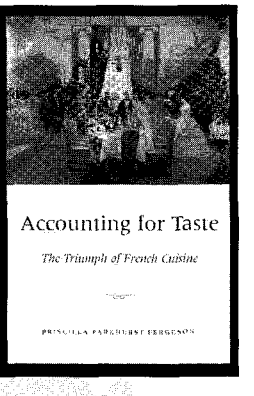


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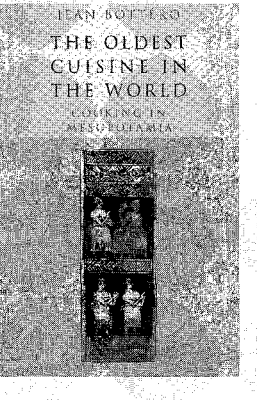


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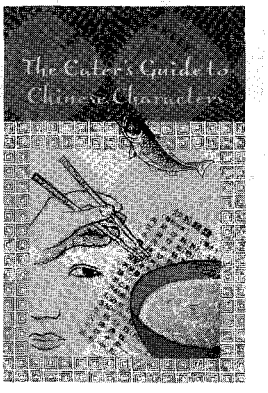


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best to schedule a hearing devoted to argument regarding an appropriate remedial order. After listening to three days of argument, the Court issued on May 31, 1955 a decision on remedy that is often referred to as *Brown II*. In that decision, the Court expressly disclaimed any willingness to retreat from its previous decisions simply because of disagreement with them. But the Court stressed the importance of permitting equitable flexibility in implementing its judgments. It recognized "the personal interest of the plaintiffs in admission to public schools as soon as practicable on a nondiscriminatory basis."

But it also maintained that creating non-segregated schooling would entail solving a variety of local problems. It declared that in carrying out the transition from segregated to desegregated schooling, primary responsibility would be lodged in the hands of local educational authorities under the supervision of local federal judges. Those judges, the Court concluded, should require that defendants make a "prompt and reasonable start toward full compliance" with *Brown*. Once such a start has been made, however, the Court conceded that lower federal judges "may find that additional time is necessary to carry out the ruling in an effective manner." Remanding the *Brown* and *Bolling* cases to the courts from which they had arisen, the Supreme Court instructed its subordinate brethren to "enter such orders and decrees ... as are necessary and proper to admit to public schools on a racially nondiscriminatory basis with all deliberate speed the parties to these cases."

## II.

*Brown I*, *Bolling*, and *Brown II* are all notably brief; in the United States Reports, which contain all of the published orders of the Supreme Court, the three cases together take up only twenty-three pages. By contrast, *Dred Scott* v. *Sanford*, in which the Court ruled in 1857 that blacks are ineligible for federal citizenship, takes up 240 pages, while *Bakke* v. *Regents of the University of California*, in which the Court ruled in 1978 that under certain conditions race may properly be taken into account in public university admissions, takes up 156 pages. But despite their brevity, their fame, and their significance, the school desegregation opinions remain largely unread, even by the well-educated. This unfamiliarity with the decisions facilitates loose, ignorant, sentimental talk that often inflates "the promise of *Brown*" and over-praises the supposed "eloquence" of Chief Justice Warren's opinions for the Court.

Eloquent these opinions are not. They offer neither a vivid explanation of why the Court had decided to invalidate a type of law that it had previously permitted nor a vision of what "due process" and "the equal protection of the laws" would entail in a decent, multiracial democracy. Although Warren refers to *Plessy* in *Brown*, he refrains from ever mentioning the decision's lone dissenter, Justice John Marshall Harlan. Harlan, a former slaveholder, scoffed at the notion that segregation represented an innocent racial distinction as opposed to an invidious racial discrimination. "Everyone knows," he wrote, "that the [segregation] statute in question had its origins in the purpose, not so much to exclude white persons from railroad cars occupied by blacks, as to exclude colored people from coaches occupied by or assigned to white persons."

Nothing in *Brown* or *Bolling* comes close to matching Harlan's forthright articulation of what segregation meant and propagated:

> The destinies of the two races ... are indissolubly linked together, and the interests of both require that the common government of all shall not permit the seeds of race hate to be planted under the sanction of law. What can more certainly arouse race hate, what more certainly create and perpetuate a feeling of distrust between these races, than state enactments, which, in fact, proceed on the ground that colored citizens are so inferior and degraded that they cannot be allowed to sit in public coaches occupied by white citizens?

Nothing in *Brown* notes the tragic accuracy of Harlan's dire prediction. And nothing in *Brown* alludes to the *why* of segregation: to the basic and sordid facts of who was doing what to whom; to the fact that segregation clearly had the intended effect of massively stigmatizing blacks; to the fact that segregation was imposed upon blacks by whites, usually after blacks had been driven out of the electoral system by coercion, fraud, or terror.

In the most famous and celebrated race-relations judicial rulings of the twentieth century, there is notably little elaboration of the ugly history of American race relations. The Court makes reference to "our American ideal of fairness" and claims, laughably, that invidious racial classifications are "contrary to our traditions"; but slavery goes unmentioned, and neither white supremacy nor any synonymous expression makes an appearance. The Court does briefly note that prior to the birth of the Fourteenth Amendment some states outlawed educating Negroes. But beyond this brief allusion the Court is notably reticent about the brutal subordination of the African American.

Of course, eloquence is not everything. In the oral arguments in *Brown* and *Bolling*, the most well-spoken advocate was John W. Davis, the Wall Street lawyer (and former presidential candidate, member of Congress, and ambassador to Great Britain) who was the leading attorney for the segregationists. Nor is candor in all circumstances a virtue; obfuscation, sometimes referred to euphemistically as "diplomacy," has its uses. Warren perceived rightly that a part of the price for obtaining a unanimous Supreme Court ruling invalidating *de jure* segregation in public schooling would be an opinion crafted carefully to avoid telling the full truth about the Jim Crow regime. That Warren cared about public relations is beyond dispute. When he circulated to his colleagues near-final drafts of *Brown* and *Bolling* on May 7, 1954, he wrote that he sought to produce opinions that would be "short, readable by the lay public, nonrhetorical, unemotional and, above all, non-accusatory."

Narrowness was also part of the price for unanimity. In this season of commemoration, some commentators write as though *Brown* and *Bolling* offered an assurance of racial equality writ large. In reality, these cases address themselves expressly only to segregation in public schooling—not to segregation generally. Indeed, by emphasizing the importance of public education to its disposition of the cases, the Court implicitly suggested that it might continue to deem state-sponsored racial segregation permissible in other domains.

The price for unanimity also involved signaling to segregationists that the Court was willing to go slowly in pro-

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viding remedies to the plaintiffs. Just as lower court judges told Negro petitioners prior to *Brown* to wait for a remedy when it was determined that school officials had failed to satisfy the constitutional requirements of "separate but equal," so, too, did the Supreme Court tell Negro plaintiffs subsequent to *Brown* to await a remedy that would effectuate their new constitutional right.

That was the real message behind the Court's instruction to judges to grant relief "with all deliberate speed." In jurisdictions in which local officials were willing to countenance immediate desegregation, Negro plaintiffs quickly enjoyed the benefits of their struggle in the courts. But in jurisdictions in which local officials were recalcitrant, delay and evasion robbed plaintiffs of the opportunities to which they had been adjudged to be entitled. Perhaps the same result would have obtained no matter how the judgments were garbed linguistically. Still, the rhetoric of *Brown II* facilitated stalling by advising authorities that, absent expressions of blatant defiance, courts need not demand anything more than a "reasonable start toward full compliance." Prior to autumn 1960, not one of the 1.4 million black schoolchildren in Deep South states attended a desegregated school. By 1964, only about one southern black child in a hundred attended a desegregated school. *Brown* is thus emblematic of many of the progressive landmarks that dot the meandering course of American race relations. On the one hand, its limitations mock the optimistic, congratulatory story that most Americans tell themselves about their nation. On the other hand, it represents an upward advance in the moral, political, cultural, and legal life of the United States. Measured against the baseline of previous rulings, *Brown* and *Bolling*, for all their deficiencies, clearly warrant celebration. They belatedly but finally put constitutional law on the side of those challenging *de jure* segregation.

## III.

FOR THOSE WHO WISH TO READ in one volume a learned and enthralling narrative that features the key actors in the school desegregation cases, there is nothing like Richard Kluger's magisterial book. First published in 1975, *Simple Justice* has recently been enlarged and re-issued. It begins with a moving depiction of one of Kluger's heroes:

> Before it was over, they fired him from the little schoolhouse at which he had taught devotedly for ten years. And they fired his wife and two of his sisters and a niece. And they threatened him with bodily harm. And they sued him on trumped-up charges and convicted him in a kangaroo court and left him with a judgment that denied him credit from any bank. And they burned his house to the ground while the fire department stood around watching the flames consume the night. And they stoned the church at which he pastored. And fired shotguns at him out of the dark. But he was not Job, and so fired back and called the police, who did not come and kept not coming. Then he fled . . . until he was across the state line. Soon after, they burned his church to the ground and charged him, for having shot back that


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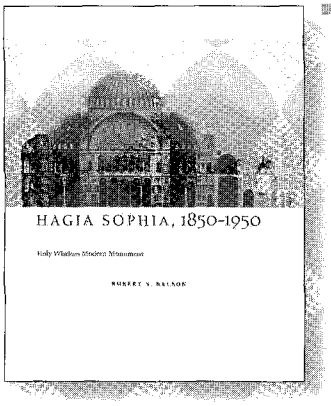


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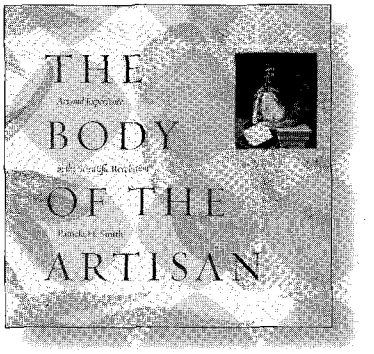


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night.... So he became an official fugitive from justice. In time, the governor of his state announced they would not pursue this minister who had caused all the trouble, and said of him: Good riddance.

All of this happened because he was black and brave. And because others followed when he had decided the time had come to lead.

The man to whom Kluger refers is Reverend Joseph Albert DeLaine, the leader of the black community effort in Clarendon County, South Carolina, which gave rise to one of the *Brown* cases, a lawsuit named *Briggs* v. *Elliott*. One of fourteen children fathered by a pious clergyman in the African Methodist Episcopal Church, DeLaine overcame penurious circumstances and white hostility to obtain an education that was capped in 1931 by a degree in theology from Allen University. For about a decade and a half, he established a reputation as a hardworking public school teacher and an upstanding preacher who served as the pastor of a variety of remote rural parishes. Then, in 1947, DeLaine encountered a man who transformed his life.

He listened to an address by Reverend James M. Hinton, the president of the South Carolina branch of the National Association for the Advancement of Colored People (NAACP). Hinton bemoaned the disgraceful condition of public education for blacks, particularly the blatant inequities imposed upon Negroes by white officials. Hinton declared that whites purposefully deprived blacks of educational resources in order to keep them in their "place" as hereditary serfs. He asserted that Negroes in other states were beginning to rise up and to successfully challenge their mistreatment. He challenged South Carolina's Negroes to join this effort, and suggested that inequalities in bus transportation would be a good starting point. Hinton's words resonated with DeLaine, who had long yearned to confront the humiliating racial restrictions that had become an increasingly chafing presence in his life.

THE REFERENCE TO BUS TRANSportation especially rang a bell. In Clarendon County, white authorities had allocated thirty buses for the white children and none for the black children. DeLaine sought some relief from the local superintendent of schools, a Presbyterian minister, but was met with a flat rejection. He then sought someone who would be willing to file a lawsuit, and approached Levi Pearson, a farmer with three children. At great personal risk, Pearson agreed to sue for better treatment. He was quickly targeted for economic reprisal; white-owned stores and banks cut off his credit, and haulers refused to handle his timber. Much worse than the financial hardship, however, was the fact that Pearson's sacrifice was rendered worthless by the error of a local attorney who neglected to discover until too late that the location of his client's property disqualified him from suing the district in which his children attended school. This misstep was a cause for merriment on the part of white authorities such as the local state senator, who was heard to exclaim that "our niggers don't even know where they live."

Despite the setback, DeLaine pressed ahead. He received encouragement from an attorney named Thurgood Marshall, who assured him that the NAACP would support his efforts if he was able to find twenty people willing to sign up as plaintiffs in a thoroughgoing attack against segregated schooling. DeLaine found the twenty, the first of whom, alphabetically, was Harry Briggs, a thirty-four-year-old Navy veteran and the father of five children. The white community immediately put intense pressure on Briggs, DeLaine, and anyone else who supported the new lawsuit. When Briggs refused to remove himself as a plaintiff, the owner of the filling station at which he had worked for fourteen years fired him. Whites asked Briggs's wife to prevail upon him to abandon the lawsuit, and when he remained steadfast, the owner of the motel at which Mrs. Briggs worked as a chambermaid fired her. Officials attempted to buy DeLaine's cooperation by offering him a position as a principal along with certain other minor concessions he could use to pacify his aroused constituency. When DeLaine rejected the bribes, officials fired his wife and his niece, and began to subject him and his followers to an increasingly ominous campaign of intimidation. But the blacks stood their ground. Instead of scaling back their protest, they broadened it. Whereas initially they merely sought better treatment under segregation, their lawsuit developed into an attack upon segregation itself.

Kluger's detailed descriptions of the plaintiffs in the school desegregation cases—their backgrounds, their ties to their communities, their aspirations, their sacrifices—are his most valuable contribution to the *Brown* literature. The plaintiffs in *Brown* are often either rendered invisible by commentators or depicted as mere "extras" in a drama starring Earl Warren and, to a lesser extent, Thurgood Marshall. Kluger rightly begins his book by placing the plaintiffs at center stage. By doing so he underlines the fact that the school desegregation cases emerged not only from the labors of lawyers and Supreme Court justices, but also from the efforts of regular folk, many of whom were poor, vulnerable, and unlettered, but all of whom were determined to better their children's prospects. *Brown* was not simply a legal declaration from on high. It was also a response to a moral demand from below.

KLUGER'S BOOK IS FULL OF other masterfully rendered portraits, including vivid depictions of Warren and Marshall. In a chapter titled "Arrival of the Superchief," Kluger describes with evident admiration Warren's rise from humble origins, his career as a fair and effective prosecutor, and his tenure as a forward-looking governor of California prior to his nomination for the chief justiceship by President Eisenhower. Kluger reminds us that, as California's attorney general and governor, Warren became "an unflinching advocate of oppressive tactics" insofar as he championed the internment of people of Japanese ancestry, including American citizens, during World War II. Obviously caught up in the hysteria of the times—there never emerged any appreciable evidence of Japanese or Japanese-American sabotage—Warren unqualifiedly lauded a racist government policy that was subsequently upheld by one of the most notoriously wrongful Supreme Court decisions of the twentieth century, *Korematsu* v. *United States*. Like several heroes of twentieth-century liberalism—Franklin Roosevelt, Hugo Black, Walter Lippmann—Warren disgraced himself morally (though not in the eyes of most Americans) by blessing internment.

Clearly, though, in Kluger's view, Warren more than vindicated himself by his achievements as chief justice, particularly his success in creating unanimity in favor of *Brown* and *Bolling*. By the time

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Warren reached the Supreme Court, the desegregation cases had already been argued once. After the initial argument, in December 1952, the Court appears to have been split, with Justice Stanley Reed firmly committed to re-affirming the separate-but-equal formula, Chief Justice Fred Vinson leaning in that direction, and several others gripped by ambivalence. Then, in September 1953, Vinson died of a massive heart attack, which created the vacancy that Warren filled. (This reportedly prompted Justice Felix Frankfurter to quip that his colleague's demise was the first evidence he had ever seen that there actually is a God.) Kluger shows that it was Warren who was most responsible for enabling his colleagues to become comfortable with the prospect of outlawing policies mandating the separation of the races in public schooling. He relates in exquisite detail the new chief justice's sedulous and successful effort to create unanimity.

THE THIRD OF KLUGER'S PRINcipal heroes is Thurgood Marshall—Harry Briggs's attorney, the director of litigation for the NAACP Legal Defense Fund, and the man who became in 1967 the Supreme Court's first black justice. By the mid-1950s, Marshall had already become a legendary figure among blacks, who often referred to him as "Mr. Civil Rights." Seemingly ubiquitous and indefatigable, Marshall battled racial injustices of all sorts. In *Morgan* v. *Virginia* in 1946, he helped to persuade the Court to re-affirm that the Commerce clause of the federal constitution prohibits states from requiring racial segregation in interstate transportation. In *Patton* v. *Mississippi* in 1947, he helped to persuade the Court to reverse the conviction of a black man sentenced to death by a jury from which Negroes had been racially excluded. In *Hurd* v. *Hodge* in 1948, he helped to persuade the Court to prohibit judges from evicting homeowners who bought property covered by restrictive covenants that forbade the property from being sold to Negroes.

Racial restrictions on schooling was the front on which Marshall fought most ardently, as an attorney and later as a judge. His first big civil rights victory, in 1935, arose from a case he brought on behalf of Donald Murray, a black man who sued authorities for refusing on account of his race to admit him to the University of Maryland Law School. At the time, Maryland's one public law school was reserved for whites only. Officials claimed that they provided "separate but equal" facilities to black citizens of the state by giving those who wanted a legal education a stipend to attend some other law school that would admit Negroes—even if the school was out of state. Marshall argued that the state's arrangement was inadequate. The Maryland courts agreed, and ordered Murray's admission (a ruling that anticipated by three years an analogous decision by the federal Supreme Court).

*Murray* was a milestone in Marshall's career. It gave him special satisfaction because just a few years earlier he had wanted to attend the University of Maryland Law School, which was near his home in Baltimore. Barred from doing so, he attended Howard University Law School instead, where he graduated at the top of his class and fell under the sway of Charles Hamilton Houston, the mentor of an impressive roster of distinguished civil rights attorneys. *Murray* also reinforced Marshall's reputation as a rising star; soon after his triumph in Maryland, Marshall moved to New York to work for the NAACP full time. In 1938, he became the organization's legal chief.

*Murray* also served as a model for a string of lawsuits that preceded *Brown*. In *Murray*, Marshall did not challenge the constitutionality of separate-but-equal schooling. Rather, he convinced the Maryland courts that the state had failed to provide equal schooling for blacks. He refrained from attacking the constitutionality of segregation itself—not because he accepted its validity, but because he recognized that a direct challenge would have been counterproductive. Although the separate-but-equal formulation was from its outset an oppressive imposition of caste denigration, in the 1930s it was still seen by the ascendant figures of the bench—including Oliver Wendell Holmes Jr., Benjamin Cardozo, and Louis Brandeis—as an innocent, or at least permissible, racial distinction.

THROUGHOUT THE 1930S AND 1940s, Marshall tried to squeeze as much equality as possible from the separate-but-equal formula. He filed numerous lawsuits on behalf of black teachers who demanded the same pay as their similarly situated white peers. The aim of these suits was not only to win conces-

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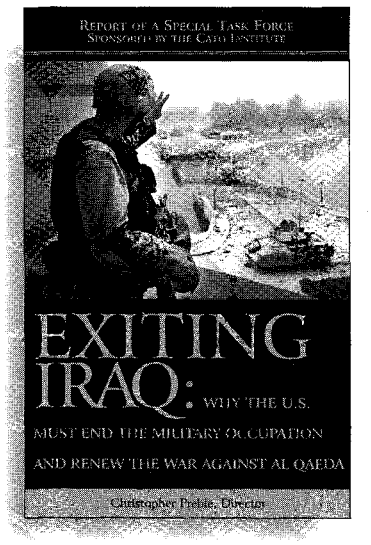
*—President George W. Bush*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sions on behalf of victims of racial discrimination. The aim was also to make the provisioning of dual systems of public education prohibitively expensive. White supremacists responded by continuing to maintain segregation on the cheap. To pre-empt the sort of ruling announced in *Murray*, several states created professional schools for blacks virtually overnight. Marshall challenged these responses, noting that these instant institutions were by no means equal to the established schools reserved for whites.

In the most important of these cases, Marshall attacked the validity of actions undertaken in Texas to create an instantaneous law school for Negroes. In *Sweatt* v. *Painter* in 1950, the Court ruled that the new law school set aside for blacks was not only unequal in terms of readily quantifiable assets such as the size of the library and the faculty, but also because of non-quantifiable considerations such as the school's reputation and the prestige of its alumni. Moreover, the Court recognized that a law school set aside for blacks could hardly be deemed the equal of a law school set aside for whites in a society in which whites constituted the vast majority of judges, attorneys, jurors, and legislators. Soon thereafter, Marshall went beyond arguing that certain schools set aside for blacks were inferior to those set aside for whites. In the *Brown* litigation he began to assert that the very act of officially setting aside "colored" schools would always and inevitably condemn them to an inferior status in the minds of the public (white and colored alike), since the very purpose of segregation was to stigmatize people of color—to declare them unfit to share facilities with whites.

Kluger's discussion of Marshall's career displays the virtues that make *Simple Justice* such a splendid and illuminating narrative. These virtues include a willingness to note the weaknesses of a black hero. Hagiography remains all too prevalent in a lot of the writing and the talking about Marshall and the other African American greats of the civil rights revolution. But Kluger stays clear of sentimental hero-worship, offering a clear-eyed assessment of "Mr. Civil Rights."

Kluger does not pretend that Marshall was a deep or a systematic thinker, but instead portrays him, accurately, as "a constantly engaging extrovert who used ideas as stepping-stones down a path of ever widening possibilities." Kluger notes that while Marshall's mentor Houston was a distinctly reserved and serious man—the sort that many whites resented and feared as an "uppity nigger"—Marshall typically adopted a "jes-folks," one-of-the-gang style that endeared him to the Negro rank-and-file and made him acceptable to powerful whites who had not quite shaken their stereotyped image of "the good Negro." Kluger points out, moreover, the striking and typically overlooked irony that Marshall's verbal advocacy on behalf of his clients in *Brown* left much to be desired. Commenting on the argument that Marshall made to the Supreme Court in December 1953, Kluger notes mordantly that it was "one of his least creditable performances." Far from besmirching his hero, Kluger's candor adds credibility to his depiction of Marshall's greatness.

## IV.

OF ALL OF THE MANY BOOKS published recently on the occasion of Brown's fiftieth anniversary, the most ambitious is Michael J. Klarman's comprehensive history of federal race-relations law from the late nineteenth century until the early 1960s. *From Jim Crow to Civil Rights* chronicles challenges to the legitimacy of racial laws and practices that either excluded blacks from political participation in such commonplace activities as jury service and voting or relegated blacks to denigrated facilities—Negro schools, Negro hospitals, Negro asylums, Negro orphanages, Negro beaches. In the age of Jim Crow, some courtrooms even featured Negro Bibles.

Klarman's study is a major achievement. It bestows upon its fortunate readers prodigious research, nuanced judgment, and intellectual independence. And it provides an excellent counterpoint to *Simple Justice* in its approach and its conclusions. *Simple Justice* is a powerful narrative that brings a reader close to the lived experience of the struggle for desegregation. Kluger tells what his protagonists wore, what jokes they liked to tell, what they looked like, what they felt as they suffered under or tried to uphold or tried to topple the ugly pigmentocracy. Klarman offers a wider-angled perspective on race-relations law. He is interested not in portraying personal dramas but in explaining large-scale social trends. He addresses a variety of vexing questions, the most important of which are, in his view: "What factors explain the dramatic changes in racial attitude and practices that occurred between 1900 and 1950? What factors explain judicial rulings such as *Plessy* and *Brown*? How much did such Court decisions influence the larger world of race relations?"

Kluger voices the conventional wisdom that *Brown* played a major role in galvanizing the mass mobilizations of the 1960s that gave rise to boycotts, sit-ins, marches, confrontations, and legislation, notably the Civil Rights Act of 1964 and the Voting Rights Act of 1965. He writes that "*Brown* launched the nation's effort to rid itself of the consuming demons of racism," that the mass movement for black advancement was "spawned by *Brown*," that *Brown* was "the catalytic event that began the Second Reconstruction." In its editorial on May 16, 2004, *The New York Times* echoed this view, remarking that "*Brown* kick-started the civil rights movement and began a slow but steady process of dismantling legal segregation."

Klarman argues, by contrast, that "*Brown* was less directly responsible than is commonly supposed for the direct action protests of the 1960s," that it "did not fundamentally transform the racial attitudes of most Americans," that it was more of a mirror than an engine of progressive social change. He even suggests that had the decisions in *Brown* and *Bolling* gone the other way on May 17, 1954, *de jure* segregation would still have been overcome soon: "deep background forces ensured that the United States would experience a racial reform movement regardless of what the Supreme Court did or did not do." The demise of *de jure* segregation would have been accomplished without Supreme Court intervention and perhaps on better terms.

Klarman attempts, in sum, to demote the historical importance of *Brown*. And this is part of a broader revisionist program, which includes Klarman's insistence that scholars, particularly those in legal academia, pay more attention to limits on judicial power, to extra-legal sources of social change, to the extent to which court decisions are actually implemented on the ground, and to plausible alternative scenarios to the histories that actually unfolded. The intended effect of Klarman's approach is to lower expectations of judicial rulings. In his view, courts, particularly the Supreme Court, typically receive too much blame and too much praise.

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In the conventional story of segregation, *Plessy* v. *Ferguson* is often depicted as the Bad Event that catalyzed the proliferation of Jim Crow racial separation throughout the South. Klarman argues that *Plessy* reflected rather than molded the dominant racial practices and ideas of its day. He contends, moreover, that even if the Court had acted differently, little would have changed on the ground. Court decisions, he repeatedly stresses, are not self-enforcing. In 1896, Southern whites would not have willingly complied with a judicial ban against segregation on the railways, and the federal government would have been unwilling or unable to enforce an anti-segregationist decree. "If southern public accommodation laws were nullities [during Reconstruction] when Republicans controlled state and federal governments and troops still occupied portions of the South," he remarks, "how could a Court decision barring segregation have been enforced in 1896, when Democrats controlled every Southern state but one and troops had long since ceased to police southern race relations?" The same is true, Klarman argues, with respect to other features of the Jim Crow regime, including the racial exclusion of blacks from jury service and the ballot box. Even had the Court tried to enforce the Reconstruction Amendments, white supremacist practices would still have prevailed, given the vulnerabilities of the black population, the power and the self-righteousness of the segregationist whites, and the indifference or antipathy with which Negroes were viewed by the great mass of non-southern whites.

Twenty years ago Benno C. Schmidt Jr. made much of the fact that, during the heyday of segregation, a Supreme Court headed by Edward Douglass White (a Louisiana veteran of the Confederate army and a foe of Reconstruction) invalidated a number of racist state laws. In *Alabama* v. *Bailey* in 1911, the Court struck down a statute aimed at black laborers that essentially criminalized breach of contract. In *Guinn* v. *Oklahoma* in 1915, the Court struck down a law that subjected certain persons (blacks) to literacy qualifications while exempting others (whites). And in *Buchanan* v. *Warley* in 1917, the Court invalidated a law that prohibited people of one race from buying residential property in areas reserved for those of another race. Klarman argues that these decisions signify only that the Supreme Court in the so-called Progressive era was willing to intervene against laws that either too obviously nullified federal constitutional provisions or too broadly encroached upon rights that white men enjoyed (such as buying or selling property wherever one could). According to Klarman, these rulings posed to racist practices merely formal objections that were easily sidestepped. His final verdict is harsh: "Substantively, they accomplished virtually nothing."

Klarman does seem to hold open the possibility of truly transformative Supreme Court rulings. His principal example is *Smith* v. *Allwright* in 1944, in which the Supreme Court held it to be a violation of the federal constitution for the Texas Democratic Party to limit membership and participation in party primaries only to "white citizens of the state." This exclusion was crucial because in those days the Texas Democratic Party (and indeed the Democratic parties


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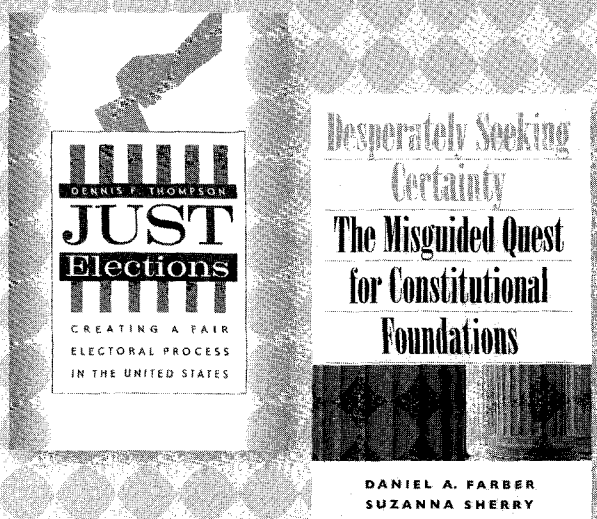


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in all the former Confederate states) monopolized statewide electoral offices. Whoever won the Democratic primary for a governorship or a seat in the Senate automatically prevailed at the general election. To be excluded from the Democratic Party primary meant to be effectively disenfranchised. In 1935, the Supreme Court held unanimously that the exclusion did not violate the federal constitution because a political party is not an agency of the state but is instead a "private" association. Nine years later, in *Smith*, the Court reversed itself, holding that the right to participate in self-government could not be nullified by a state using the mere expedient of racially discriminatory private organizations.

Klarman attributes to *Smith* an important role in permitting and encouraging black participation in southern politics. In 1940, only 3 percent of southern blacks were registered to vote, but by 1950 20 percent were registered, an increase for which Klarman largely credits the Court's intervention. *Smith*, he writes, "launched a racial revolution in Southern politics." But Klarman immediately complicates this assessment, noting that the changes wrought by *Smith* were possible only "in conjunction with supportive social and political conditions"—the militancy of black veterans returning from a war waged against Nazi racism, the enhanced physical and economic security of an increasingly urbanized black population, a rising tide of racial liberalism even among some whites in the Deep South. Still, he recognizes *Smith* as having provided in its own right a powerful push to black advancement.

ABOUT *BROWN*, KLARMAN IS considerably less willing to allocate credit to the justices. The *Brown* Court, he declares, "pushed against an open door" in border states (Delaware, Maryland, West Virginia, Missouri) which "might have ... desegregated even without Court intervention." And in the Deep South, Klarman notes, *Brown* itself brought about little desegregation. This was due in part to southern white intransigence, in part to inescapable limitations on judicial power, and in part to a Supreme Court that undercut itself by pandering to racist sensibilities. "Because *Brown II* supplied no clear mandate for action," Klarman charges, "it seemed to invite evasion, which made voluntary compliance politically difficult" for those white authorities who might have acquiesced to a more definite remedial order from the Court.

Assessing the effect of *Brown* on blacks, Klarman is again loath to give the Court credit. Although he concedes that *Brown* prompted some blacks to initiate follow-up litigation in pursuit of school desegregation, he argues that there is little evidence to support the claim that *Brown* and *Bolling* played a major role in prompting blacks to initiate or join the boycotts, sit-ins, marches, and other mobilizations of regular folk that constituted the heart and soul of the civil rights movement. Commentators often point to the Montgomery bus boycott as an indication of *Brown*'s power to inspire; but Klarman argues that just because the boycott followed *Brown* does not mean that it was animated by *Brown*. He rightly notes that there was a similar boycott in Tallahassee prior to the desegregation decisions, and that even after *Brown* the activists in Montgomery did not initially seek desegregation but only decent treatment under segregation. It took months of boycotting and the dynamiting of the home of Reverend Martin Luther King Jr. for the boycotters in Montgomery to attack segregation in court—a strange delay, given the supposed influence of *Brown*.

Some observers, most notably David Garrow, charge that Klarman unfairly minimizes the significance of *Brown* and, more generally, the importance of judicial intervention on behalf of those vulnerable to oppressive prejudice. Are these critics right? It is difficult to give a clear answer, because of an unfortunate vagueness that blurs Klarman's point. Initially it seems as though Klarman intends to posit a rather radical diminution of *Brown*'s standing in American history, but later he adopts a position that varies appreciably but not dramatically from the standard accounts. In the end, he agrees that *Brown* played an important, if hard to measure, role in the civil rights revolution. He notes that media coverage of *Brown* was "extraordinary"; that *Brown* "forced many people to take a position on school segregation"; that it "unquestionably motivated [blacks] to challenge segregation"; that "there is no denying *Brown*'s symbolic importance to African Americans"; that "*Brown* made Jim Crow seem more vulnerable," a crucial contribution since "any social protest movement must overcome a formidable hurdle in convincing potential participants that change is feasible"; that "*Brown* raised the hopes and expectations of black Americans," and provoked a violent, lawless, segregationist reaction that, in turn, rallied many appalled whites to the side of desegregation.

WHAT DISTINGUISHES KLARman's account is that the recognition he finally accords to *Brown* is offered so grudgingly. In analyzing *Smith* v. *Allwright*, he notes the extra-legal conditions that were conducive to that ruling and the practical limits that circumscribed its immediate ramifications. But he also acknowledges freely, without the crabbiness found in his analysis of *Brown*, that the ruling in *Smith* contributed importantly to the array of forces that enhanced the status of blacks and enlarged the domain of multi-racial democracy. He probably should have offered a similar acknowledgment, in a similar spirit, in his depiction of *Brown*.

Still, Klarman's parsimonious revisionism put me in mind of Richard Hofstadter's remark that any good point should be able to bear the strain of overstatement. Klarman makes many, many good points in *From Jim Crow to Civil Rights*. His focus on ways in which extra-legal conditions facilitate or retard the possibilities available to lawyers and judges is a useful antidote to the legalism that continues to impede a realistic understanding of the judiciary as a policy-making organ of government. His insistence on assessing the actual consequences of judicial opinions is a useful antidote to an approach to legal history that assumes that rulings are actually implemented. His willingness to speculate about plausible alternatives to decisions actually made is a useful antidote to complacent determinism. His emphasis on *Brown*'s limitations is a useful antidote to the lingering romanticism that continues to shroud the Warren Court

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era. His effort to re-allocate credit for progressive change from officials to dissidents, from litigation to direct action, from the NAACP to the Student Non-Violent Coordinating Committee, is a useful antidote to cultural tendencies that much prefer celebrating Earl Warren's *Brown* v. *Board of Education* to studying Martin Luther King Jr.'s *Letter From a Birmingham Jail*. An educated citizenry aroused by decent passions will usually provide a more secure foundation for freedom than judges to whom we defer too much. ■

# *Deborah Friedell*
# Vampires

**THE MASTER**
**By Colm Tóibín**
***(Scribner, 338 pp., $25)***

"I WON'T DESERT YOU," ISABEL Archer promises her stepdaughter, and she doesn't. She lets Caspar Goodwood give her one kiss, "like white lightning," and then she runs away, back to Rome and to her husband, to the stepdaughter whom she is unwilling to sacrifice for her own happiness. But the husband is so horrible, and the stepdaughter such a cipher, that many of Henry James's first readers, including some reviewers, misread the novel, deciding that *The Portrait of a Lady* suggested that Isabel was going off with Caspar after all. Twenty-seven years later, when James revised the novel for the New York Edition in 1908, he re-wrote the ending so that there would be no doubt of Isabel's selflessness.

In the interim, in *The Ambassadors*, Lambert Strether finds himself in a position similar to Isabel's, wanting to stop an arranged marriage. But Strether realizes that he cannot do it. He was "prepared to suffer—before his own inner tribunal—for Chad; he was prepared to suffer even for Madame de Vionnet. But he wasn't prepared to suffer for the little girl." The plots of James's novels hinge on these complicated moral calculations of sacrifice. Which characters will the hero deem worth saving? How much of another's pain can one bear to take on? James's characters rarely grow by love: "The more you gave," one heroine discovers, "the less of you was left." And so a child must choose between her devoted governess and her stepparents; a young woman must choose between her father and her husband, her girlhood friend and herself. For James's characters who are artists, there is no intermingling of love and craft: they have the additional burden of choosing between the art and the life. Sculpture or the charming girl? A theatrical career or the charming boy? Choose! Relinquish! Renounce! Something must die so that something might live.

Colm Tóibín has written a novel about Henry James that places him in the peculiar situation of one of his own characters. Although Tóibín has selected most of his novel's historical details from Leon Edel's five-volume biography and from careful readings of James's letters, the novel's central preoccupations seem more deeply influenced by Lyndall Gordon's feminist biography, *A Private Life of Henry James: Two Women and His Art*, which appeared in 1998. Gordon argued that James's literary career was marked by his obsession with his cousin Minny Temple and the novelist Constance Fenimore Woolson, that he listened to them and used them, put his Jamesian stamp upon them, immortalized them in his art, and failed them—sacrificed them—when they conflicted with his ambitions. "James invented himself," Gordon argues, "but he could not have written as he did without partners—female partners, posthumous partners—in that unseen space in which life is transformed into art." Biographers and critics have labored to find similarities between James's acquaintances and his fictional creations, but Tóibín takes the opening best entered by a novelist, re-creating the "unseen space" between what James experienced and what he wrote.

*The Master* begins in 1895, in London, with James, fifty-one, about to suffer public humiliation with the failure of his play *Guy Domville*. It may be the most famous story about the writer: how, too nervous to sit through his play's first performance, he went instead to see Oscar Wilde's wildly popular *An Ideal Husband* before walking to the theater where *Guy Domville* was just finishing. Led onstage by an actor who was either oblivious to the crowd's distemper or vindictive, James was booed off. Tóibín describes the fiasco and places his novel in its aftermath, the period that Edel termed "the treacherous years," when James had to find a way to relinquish his hope of trying to please the masses and to start writing after his own taste. Faced with failure, Tóibín's James decides "that he was destined to write for the few, perhaps for the future."

Tóibín's description of *Guy Domville*'s reception is elegantly chronicled in the style that the writer has increasingly refined in his previous novels—a lucid, quietly precise omniscient narration, which enters characters' minds with detachment, not with ornate Jamesian free indirection. But Tóibín's sharpest opening observations have been made before. The marvelous cruelties that dominate the scene (when an actor "uttered his last lines: 'I'm the last, my lord, of the Domvilles[,]' someone from the gallery had shouted: 'It's a damned good thing you are!' ") are simply too well-recorded by Edel and by others.

JUST WHEN A READER MIGHT BE wondering about the superfluity of Tóibín's book, it benefits from a fortuitous coincidence. Soon after the play failed (it was replaced by *The Importance of Being Earnest*), James took a trip to Ireland, which is Tóibín's home, where he was raised and practiced journalism, and where he has already set two of his most accomplished novels, *The Heather Blazing* and *The Blackwater Lightship*. Although the actual events of James's short trip have not recommended themselves to biographers as especially dramatic, Tóibín kindles them, and suddenly his novel grows immensely powerful, as though Tóibín needed the confidence that comes when writing about one's own turf. He begins to deviate more strikingly from known facts, entering James's mind to offer his observations on the scenes and the conversations that the novel thrusts upon him.

At Dublin Castle, James is waited on by an army corporal named Hammond, who, James decides, possesses "a quiet voice and an air of smooth discretion.

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The way he moved and took things in suggested that he would remember everything he saw and heard." Another guest at the castle has a young daughter, Mona, a child of "ten or eleven." James watches Hammond and the child at a party and convinces himself that Hammond feels about her as he does.

> Henry was disturbed by her, the flaunting of her female self, and her own poised alertness to her allure.... As each dance ended, a new partner awaited her. In flirting with her and treating her as an adult, they succeeded, Henry thought, in mocking her. They paid no attention to the fact that she was a little girl who had dressed up and should be going to bed. Henry watched Hammond watching her, understanding that he might be the only other person in the room who viewed Mona's frolics with something less than complacency.

The passage invokes the Jamesian theme of innocence corrupted, and the scene will be "echoed" when James later writes *What Maisie Knew*. But what makes the moment most painful is that there is no evidence that Hammond shares James's sensitivity to suffering, just as the narration offers nothing to confirm James's observation that Hammond is a man on whom nothing is lost. Instead, Tóibín subtly suggests that James is only projecting his own most exceptional qualities onto another man, and silently loving him for them—a pattern that horribly replays itself throughout James's life.

Tóibín has written vigorously about homosexual desire before, but with James he takes an elliptical approach. We are offered a flashback of James as a young man, standing in the rain for hours, paralyzed by indecision, too frightened to join a man who waits for him. Isaiah Berlin once observed about James's characters that they "possess the appalling characteristic of not having things happen to them, but looking, digging, scratching sometimes, for experience: they prepare themselves like emotional vampires, to absorb & accumulate ... they don't *live*." Berlin's description is true of many of James's characters, and in *The Master* it is true of James himself.

To Tóibín, James is a man who does everything in his power to resist human experiences and feelings. His honor derives less from moral sense than from shame and timidity. Despite Sheldon M. Novick's controversial *Henry James: The Young Master*, which argues that James had dalliances with the junior Oliver Wendell Holmes among others, Tóibín's James dies a virgin. While news reports of Oscar Wilde's trial for "gross indecency" circle about him, Tóibín's James can have no sympathy. "Perhaps a period of solitary confinement will help Wilde," he says. Wilde is hedonism, and James finds his writing vulgar and his morals contemptible. While Wilde can boast of having had sex with five boys in a single night, James is someone for whom "the thing that he most needed to write would never be seen or published, would never be known or understood by anyone." Instead he will write with withering insight about others.

THE MAJOR THEME OF TÓIBÍN'S earlier novels could be said to be grief, which he has explored in nearly every possible permutation, understanding the subtle variations between mourning one's parent and one's sibling, one's spouse and one's child. Tóibín's James is a man who is constantly expected to be in mourning—for his parents and siblings; for his cousin Minny Temple, the great friend of his youth; for Constance Fenimore Woolson, the great friend of his middle age. From *The Master*'s first sentence—"Sometimes in the night he dreamed about the dead"—James comes to resemble George Stransom, who, in "The Altar of the Dead," prefers the "expressive patience" of the dead to the living.

Tóibín's James does not grieve. When thinking of Minny Temple's death, he realizes, to his horror, that he prefers "her dead rather than alive, that he had known what to do with her once life was taken from her, but he had denied her when she asked him gently for help." Real people, with their complicated motives and dark, secret selves, are terrifying. When Minny is dead, he can fashion her as he wishes, into the perfect American girl, "fresh and open to life, so inquisitive, so imbued with a boundless curiosity and charm and intelligence." She can become Daisy Miller; she can become Isabel Archer; she can become Milly Theale. And when he feels that he is growing too close to Constance Fenimore Woolson, that his privacy is at stake, he refuses to visit her, though he knows that it will lead her to depression. " 'Constance,' he whispered, 'I have come as close as I could, as near as I dared.' " She kills herself, and he is finally free. She can become Maria Gostrey in *The Ambassadors*; she can become May Bartram, the woman who loves John Marcher in "The Beast in the Jungle," and whom Marcher, too frightened of experience, is utterly unable to love in return.

The past decade has amply demonstrated the popular successes of writers' biographies transformed into discrete narratives—*The Hours*, *Shakespeare in Love*, *Iris*, *Sylvia*—in which the narrative interest lies with a writer's love affairs or illness or suicide, with the writing treated as little more than a hobby, like throwing darts. For Tóibín, however, it is James's writing that leads him to seek out the life. His James is always thinking about treatments for stories, jotting down connections and ideas in his notebooks, as Tóibín tries to work backward from James's fiction to its possible precipitating events. (James called these highlights of experience "germs.") And so we have Holmes describing the death of Minny Temple—"She turned her face to the wall"—in the same way that Milly Theale's death will be described in *The Wings of the Dove*. And we have a foreshadowing of both *The Golden Bowl* and "The Figure in the Carpet" with James taking a visit to a Bloomsbury antiques shop, complete with an intelligent, mysterious dealer, where he is set to purchase an expensive object—in this case a tapestry—until discovering, of course, that it is flawed, containing a botched restoration of "pink and yellow threads which seemed to him faded too, even though they stood out against the rest of the work."

These moments are clever, but occasionally Tóibín's novel feels as though best-loved snippets of Jamesian dialogue have been thrust indiscriminately into

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characters' mouths so that readers of James can smile knowingly. In doing so, the novel argues (as does *Shakespeare in Love*, with its Will who can barely turn around without hearing a future line already rendered in iambic pentameter) that art is influenced by life. But Tóibín is more insightful when he demonstrates how art is influenced by art. In flashback, Tóibín shows how the young James begins to understand "the daily, petty meanness of New England, the comic idiosyncrasies of speech or deportment or behavior" by way of Hawthorne, the "dramatic possibilities of a spirited woman being destroyed by a stifling marriage" by way of George Eliot. James's fiction emerges when he tries to imagine how some of his acquaintances might fare if they were placed in the worlds of the novels that he admires.

ALTHOUGH TÓIBÍN IS NOT THE first to suggest that Isabel Archer was inspired by Minny Temple or that *Daniel Deronda* might lie beneath *The Portrait of a Lady*, his rendering of the woman and the book uniting in James's imagination—Minny falling into Gwendolen Harleth's world in *Deronda*, with "money, suitors, villas and palaces"—is one of the most intelligent depictions in contemporary literature of a writer's mind at work. Tóibín lingers over James's seminal encounters with the novels that would come to matter to him, understanding how particular books shape the way in which serious readers understand the world. And what is true of serious readers is particularly true of James, for at the end of his life, his relationships, almost entirely one-sided, with Balzac, Dickens, and Turgenev—and with Hawthorne and George Eliot above all—would be more intense than those he would allow himself to have with anyone else.

Few writers have been so well written about as Henry James. Tóibín is a wise and rapacious citizen of the Jamesian universe, an excellent reader of the biographies and of the literary criticism. In the end, though, he does all those works a disservice. For the James whom he creates on the page is a man who seems so utterly real, a creature of such vitality and pain, that he threatens to obscure or to overwhelm the actual man. I imagine that James would have been horrified by such a quantity of vitality; but when in the future I think of James, it will be Colm Tóibín's. ■


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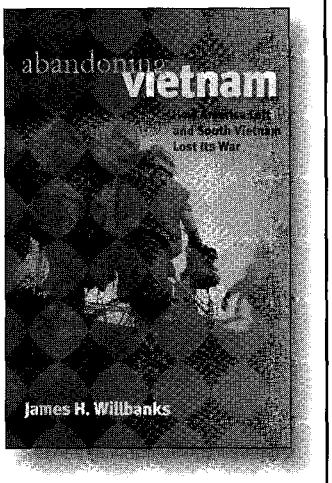


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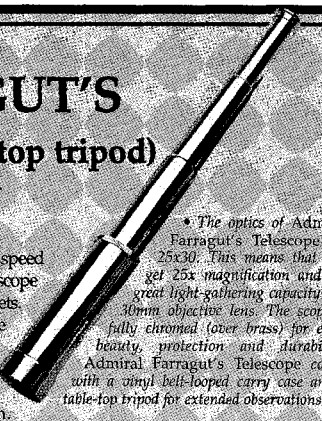

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## MARONDERA DIARIST

# School Dropout

THE WINTER SCHOOL TERM started last month in utter chaos in Zimbabwe. After a four-week break, boarding students were supposed to be dropped at schools on a Monday, the day before schools officially opened. That day, parents from across the country left their children at Lendy Park School in my hometown of Marondera. I arrived at Lendy Park at 4:45 p.m. to drop off a friend's 12-year-old son and was met by frightened children sitting on their trunks on the side of the road and angry parents standing outside the school's closed gates. A man came up to my car window and said, "You are not allowed in. The school has been closed." As I talked to the kids, I learned that, shortly before 4 p.m.—hours after many children had been dropped off—police had arrived and ordered the children to leave. Apparently, the Ministry of Education, Sport, and Culture had shuttered the school. One man standing at the gates handed me a letter signed by the headmistress that read: "Under direction from the Ministry of Education in Harare, the police have closed our school down. We do not know when we will be allowed to open." None of the gathered parents knew any more than this.

WHEN I RETURNED ON TUESDAY MORNING, the school gates were locked and guarded by two armed policemen, and neither teachers nor students were allowed in. Apparently, this was part of a larger trend. The state media reported that, across Zimbabwe, 38 private schools had been closed. Later that day, the media reported that the number had increased to 46 schools, affecting more than 30,000 children. The stated reason for the closures was that the schools had raised their fees without government approval. More likely, President Robert Mugabe's government wanted to make life even harder for the middle class, which can afford to send its children to private schools, and which forms the core of opposition to Mugabe's thuggish rule. The government may also want to distract attention from the atrocious state of Zimbabwe's public schools. Across the country, school enrollment has fallen to 59 percent because of the horrible economic climate, which has forced children to work. The facilities and equipment in government schools have deteriorated: Children share textbooks, laboratories have no equipment, and public school teachers often strike for higher wages.

ON WEDNESDAY, 46 PRIVATE SCHOOLS were still closed, and the minister of education, Aeneas Chigwedere, appeared on national television. He explained his decision to close private schools by saying, "We are dealing with racist schools. They throw Africans out simply by hiking fees." The minister clearly had not done his homework, because Zimbabwe's private schools are, on average, 80 percent black. Private schools are also heavily populated with the children of government ministers; all three of Mugabe's own children attend private schools. One of the schools closed down by Chigwedere was Watershed College in Marondera, an institution without a single white pupil. Faced with the facts, Chigwedere later changed tack and accused black parents who send their children to private schools of being "mentally colonized."

THE MINISTER DID NOT MENTION THAT there is nothing in Zimbabwe's Education Act that allows for schools to be closed for raising fees. So a delegation of parents from one private school in Harare met with Chigwedere and said it would challenge the closures in court. Typical of the Mugabe government, the minister responded angrily, saying, "You can go to the court, but we will ignore the courts. We will do to you what we did to the white farmers, and we will take over your schools." Few Zimbabweans doubted that Chigwedere could carry out these threats.

ON WEDNESDAY NIGHT, WITH SCHOOLS still closed and guarded by armed police, the headmaster of Peterhouse School in Marondera became the first of at least seven headmasters to be arrested. On Wednesday night, the 60-year-old headmistress of Lendy Park's lower school, where my son goes, was arrested while attending a prayer meeting. The lower school has only seven white children among its 160 students. Ninety percent of parents from Lendy Park School had agreed to the increase of school fees. At the police station, the headmistress was ordered to remove her underwear, shoes, and jacket and was put in a cell. When the chairman of the school's board of trustees, also the only anesthesiologist in Marondera, tried to secure her release, he, too, was arrested. Townspeople were shocked to see this respected man being held in an outdoor cage at the police station. He and the headmistress were both charged with raising school fees without government permission and released on bail Thursday evening.

EARLIER THAT DAY, ZIMBABWE'S HIGHEST court had declared the closure of the private schools illegal, but police still guarded schools and prevented students from entering. The minister of education announced that, unless all private schools reduced fees to an amount approved by the government, they would be immediately nationalized. Schools had no choice but to agree to these demands if they were to reopen. So, one week after the start of the winter term, private schools reopened, allowed to charge only the newly reduced fees. Neither parents nor teachers know how long the institutions can stay open on these unsustainable budgets. Since early 2004, electricity charges to schools have increased by 400 percent and water charges have increased by 500 percent. Nationally, inflation hovers at just under 600 percent.

THE REAL TRAGEDY FOR ZIMBABWE IS that, if private schools close for financial reasons, there will be a further exodus of much-needed middle-class professionals. Parents whose children attend private schools are lawyers, doctors, and company owners whose skills and businesses are now the only things propping up Zimbabwe's economy. If they can't educate their children, they will pour out of the country and join the three million Zimbabweans who have fled since February 2000, when Mugabe started brutalizing us. Sooner or later, my decimated country won't need schools at all.

**CATHY BUCKLE**

*Cathy Buckle is a writer based in Zimbabwe, where she was born.*

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# The Wealth of Indian Nations

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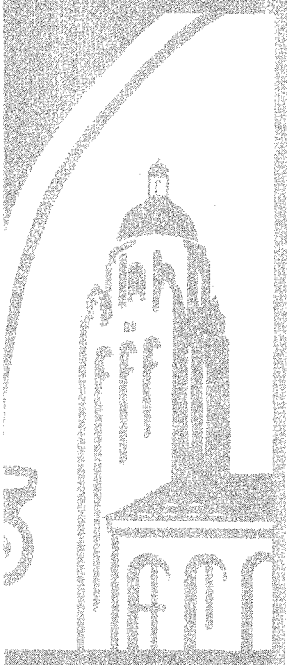

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It is said that a rising tide raises all boats, but that has not been true for American Indians. Despite recent growth partly owing to gambling casinos built on reservations, per capita income for Native Americans living on reservations in 1999 was $7,846 compared to a U.S. average of $27,880. This puts reservation Indians on a par with the people in countries such as Palau or Oman.

**Why does this bastion of poverty persist in a sea of wealth?** One hypothesis is that Indian cultures are inimical to capitalism, but this is not supported by the facts. Supposedly Chief Seattle said in the 1850s: "How can you buy or sell the sky, the warmth of the land. . . . Every part of the Earth is sacred to my people." Never mind that these were not the words of the chief but were fabricated for a television program; this view does not fit the historical facts. From tepees to horses to land and water, pre-Columbian Indians established property rights described by one anthropologist as "naked possession." Even after being confined to reservations, "the tradition of individual ownership was so well established that Indians resisted government efforts to establish common property," says economist Leonard Carlson.

Another explanation for reservation poverty is that Native Americans lack high-quality natural resources. Many reservations, however, encompass hundreds of thousands of acres, including valuable natural resources. In the 1980s, for example, the Crow tribe had $27 billion worth of coal, more than $3 million per tribal member. Unfortunately, the asset earned a paltry 0.01 percent return—leaving 55 percent of tribal members on public assistance.

Physical capital and human capital are surely important to economic prosperity but are lacking on reservations because the institutions that govern Indian economies do not encourage investment. Indians cannot borrow money because their land, which is held in trust by the federal government, cannot be used as collateral and because tribal judicial systems may not consistently enforce contracts. Moreover, education rates lag behind the national average.

A growing number of studies show that **private property, a consistent rule of law, and a lack of burdensome governmental regulations are crucial for encouraging investment in the developing world, and the same holds for reservations**. Agricultural productivity on Indian lands is 30 to 90 percent less than on similar private lands. Furthermore, tribal judicial systems are noted for their biased decisions that discourage outsiders from contracting with tribes or individual Indians. Indeed, tribes that have relinquished their judicial authority to the states wherein they live have growth rates for 1989–1999 that average 20 percent more than tribes without equivalent state oversight.

Many believe that pulling Native Americans out of poverty can only be done with quick fixes such as federal aid and gambling, which are not sustainable solutions, especially for rural tribes. If American Indians are to escape poverty, they must abandon what former interior secretary James Watt called "bastions of socialism" and commit to a rule of law with secure property rights and market institutions.

*—Terry L. Anderson and Dominic Parker*

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*Terry L. Anderson is the Martin and Illie Anderson Senior Fellow at the Hoover Institution and the executive director of the Property and Environment Research Center (PERC). Dominic Parker is a research associate at PERC.*

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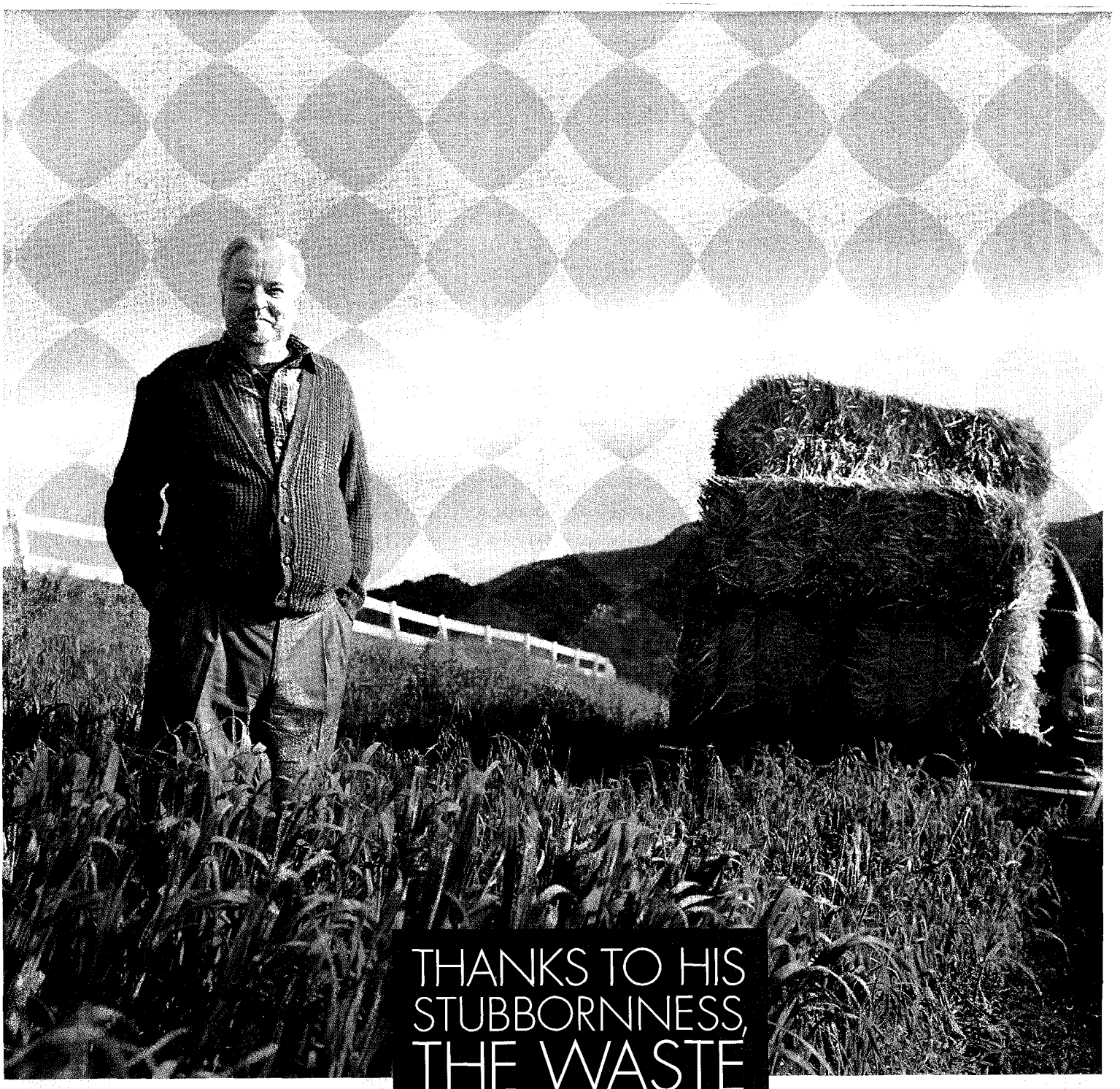

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